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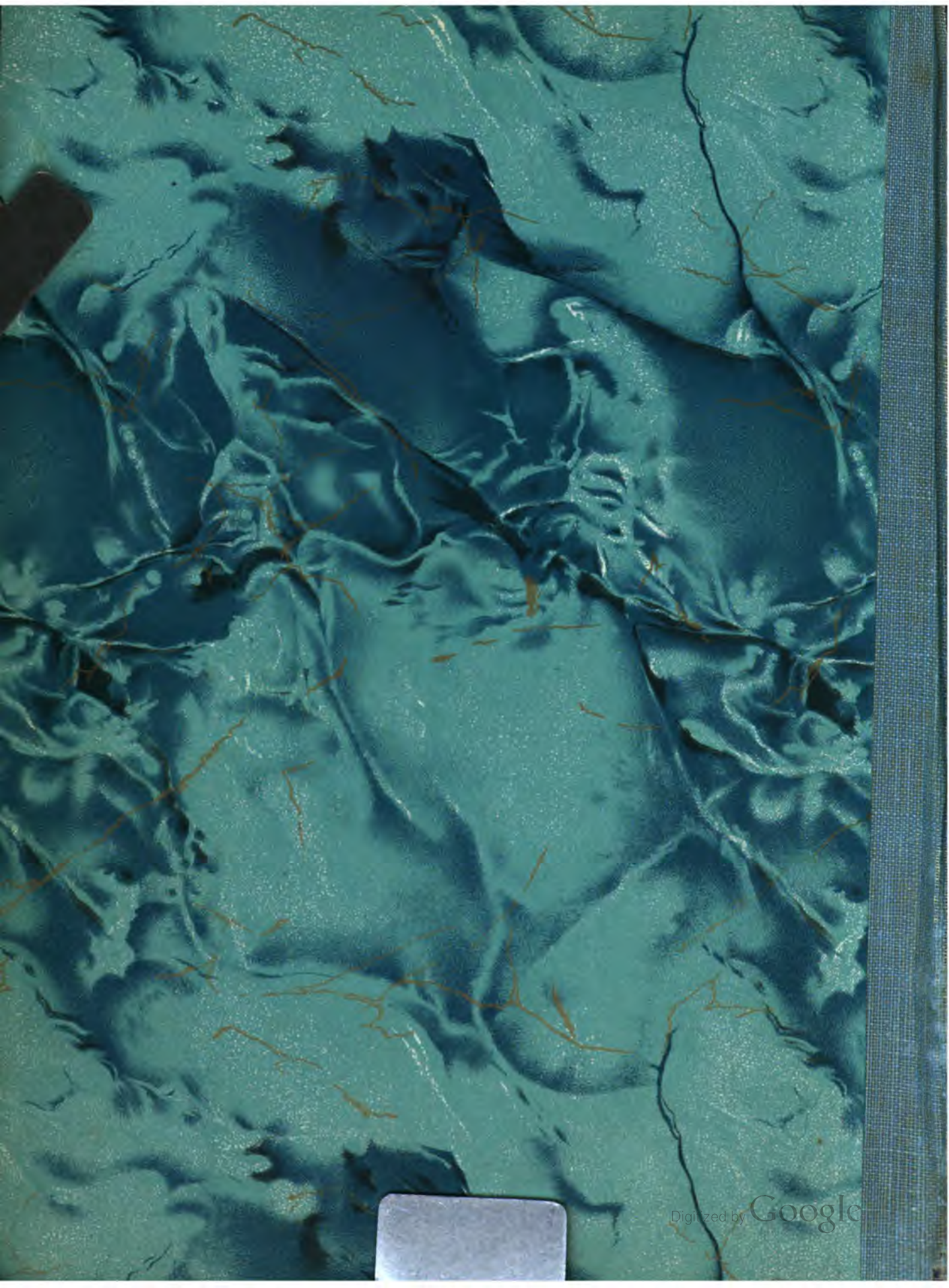
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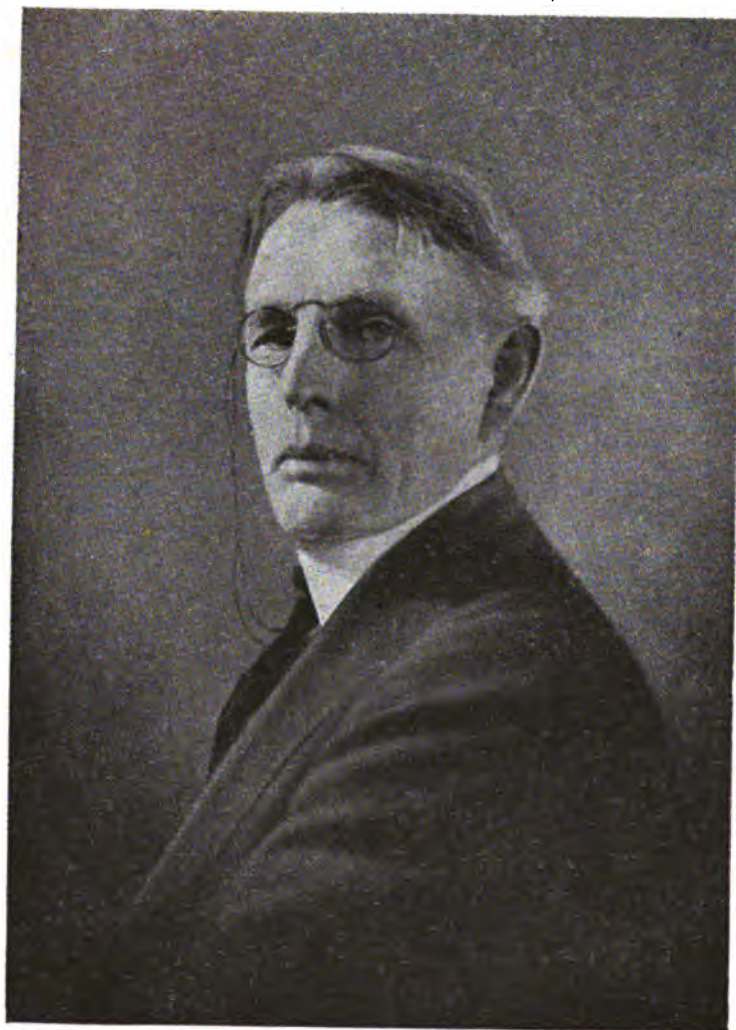
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*Thaxton*

# History of Kentucky

JUDGE CHARLES KERR  
Editor "



BY

WILLIAM ELSEY CONNELLEY  
Author of "Eastern Kentucky Papers"

and

E. M. COULTER, PH. D.  
Department of History, University of Georgia

IN FIVE VOLUMES.

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VOLUME I

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THE AMERICAN HISTORICAL SOCIETY  
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## EDITOR'S PREFACE

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The present work is the result of consultation and cooperation. Those engaged in its composition have had but one purpose, and that was to give to the people of Kentucky a social and political account of their state, based on contemporaneous history, as nearly as the accomplishment of such an undertaking were possible. It has not been the purpose of those who have labored in concert to follow any line of precedent. While omitting no important event in the history of the state, there has been a decided inclination to rather stress those events that have not hitherto engaged the attention of other writers and historians, than to indulge in a mere repetition of that which is common knowledge. How far they have succeeded in this purpose a critical public must determine.

When its editor consented to join in the undertaking it was expressly stipulated that it was to be a real history of Kentucky, and not a mere chronological citation of events. Between him and the publishers there was an express stipulation that one who could catch the spirit of the Kentucky viewpoint and could bring to the undertaking a sympathetic interest in recording the story of as great a race of home-builders and state-builders as had ever marked Anglo-Saxon progress, should be engaged to write the text. After several months of delay the justly merited historian of experience and established reputation, himself a Kentuckian by birth, Mr. William E. Connelley, of Topeka, Kansas, was introduced to the editor as one capable and willing to join in the undertaking. At a general consultation between them it was discovered that there was perfect harmony in the conception each entertained concerning the character of history that should be written. The contract for writing the present history was thereupon given to Mr. Connelley. It was early discovered that the character of history contemplated could not be prepared within a designated time without other assistance, and thereupon, at the instance of Mr. Connelley, Prof. E. M. Coulter, of the University of Georgia, an author of experience and ability, was added to the staff of Mr. Connelley. From the outset Professor Coulter manifested a desire to enter into the work with energy and will. He spent three months in the Library of Congress at Washington, examining all the manuscripts in that institution bearing on Kentucky history—those which had hitherto attracted attention, as well as those which had not. When he had completed his labors in Washington he went to Kentucky, where he spent many weeks in not only examining all the manuscript material that was available, but examined with care and minuteness early newspaper files, especially those of the *Kentucky Gazette*, *Niles Register* and the *Observer and Reporter*. A like labor was performed in Frankfort. Louisville was also visited, and all the material there available was carefully examined and copious citations made therefrom. Chicago was next visited, and all the deported manuscripts and pamphlets bearing on the early settlement of the state were examined with like care and attention. A meeting was arranged between himself and Mr. Connelley for a joint examination of the vast wealth of material now in the possession of the Historical Society of Wisconsin. Here all the material that had been gathered by Professor Coulter, together with such additions as were made from the Wisconsin archives, were carefully gone over by them and

arranged in the order in which they were to be used, having relation to the subject under treatment. The work of writing the history did not begin until all this preliminary work had been completed. For the information of the public it may be said that the following chapters have been written by Mr. Connelley:

- Origin and Meaning of Names.
- Early Indian Occupancy of the Ohio Valley.
- Discovery and Exploration by the English of the Ohio Country.
- Indian Title to Kentucky and Its Extinction.
- Explorations of Dr. Thomas Walker.
- Explorations of Christopher Gist.
- Mrs. Mary Ingles.
- The Sandy Creek Voyage.
- Swift's Silver Mines.
- The Founding of Harman's Station.
- The Governors of Kentucky and Their Biographies.
- United States Senators from Kentucky and Their Biographies.
- The Counties of Kentucky and for Whom Named.
- Officers from Kentucky in the Civil War.
- Alphabetical List of Battles in Kentucky in the Civil War.

No historian in the United States is better acquainted with Indian lore and tradition, or has made a more searching examination into the habits and customs of the North American Indian than has Mr. Connelley. His treatise on these subjects, particularly the chapter on names, will give a new and entirely distinct understanding of that subject and serve to dispel many long-existing misconceptions on the subject, particularly the origin and meaning of the word *Kentucky* as it is now spelled and pronounced.

All other chapters except those of a special character, as indicated, were written and prepared by Professor Coulter.

In the progress of the work, all chapters were first sent to Mr. Connelley at Topeka. There they were carefully revised by him and recopied, one copy of which revision was sent to the editor, who likewise made such revisions, by way of deletions, additions, phrasing and such other changes, as he deemed proper. They were then returned to Mr. Connelley, by whom they were again examined, recopied and sent to the publisher. The purpose of these several examinations and reexaminations was to make the work as nearly historically accurate as care and attention could make it.

This history has been written entirely from original and contemporaneous sources. This is no less an account of the economic development and history of the state than it is of its social and political development. It is in many respects the first work of its kind bearing on Kentucky. All secondary sources were consulted, but they were followed only where supported by available manuscript records and contemporaneous accounts. It was the desire of its authors from the outset to avoid repeating what had been recorded by former analysts, without adding any new facts. The histories of Marshall and Butler furnish the greater portion of the original material records that we have in the form of written histories. Notwithstanding the fact that Marshall could not avoid injecting personal animosities into his writings, his history must be accepted as one of the most valuable of all the early pioneer writers. His work is indispensable by reason of the fact that it is a record of personal knowledge and the recording of events in which he bore no inconspicuous part. Where personal knowledge did not supply material, original documents, most of which have been lost, did. The great service

## PREFACE

he rendered the state should atone for his prejudices and controversial inclinations. Aside from these, his *History of Kentucky* is a monument that will endure as long as the state to which he made a lasting contribution, and in the early foundation of which he bore no inconspicuous part.

The history of Kentucky by Mann Butler corrected some of the errors into which Marshall had fallen, but at that early day the material for an accurate and comprehensive history was not accessible. But the work of Butler was well done. He was a vigorous thinker and an honest and courageous man. His history will ever remain a valuable contribution to the annals of his people.

The most complete collection of material, especially of secondary sources, gathered by any Kentucky historian was that of Judge Richard H. Collins. His work was based on that of his father, Lewis Collins. He succeeded in gathering together a wealth of pioneer incidents that must have been lost but for his indefatigable efforts, but he showed little or no aptitude for recording the events that determined the various phases that arose in the development of the state, either political or social. Nor can it be said his "Annals" are free from either error or prejudice. An inclination to over-exalt those toward whom he entertained a personal liking is manifest throughout his writings.

The value of the work done by the Filson Club is beyond estimation. But for it priceless manuscripts and documents must have been lost beyond recovery. Its publications are all scholarly and of a character that will rank with those of the great universities of the country. To it the people of Kentucky are indebted more than to any other organization that has been formed for the purpose of preserving its annals. That the state should have suffered its priceless collections to be deported must ever remain a matter of profound regret.

In giving credit to those who have contributed to the work of preserving the history of the state, the romantic production of John Filson cannot be omitted. His was the first effort to portray Kentucky, and right well did he do it. His simple narrative has a value far beyond the meager record of events which it contains. With a quaintness of style, wholly original, it connects the state with the early Colonial days in a way that no other writer has done. Over the early days it has cast a glamour that will forever remain. In its indefinite and quaint statements may be found that material which will enable us to catch a glimpse of those events in the early development of the state which must otherwise have been left to conjecture. These were emphasized in the origin of Kentucky by the isolation caused by the great Appalachian barrier. Cut off from civilization and shut out from former home and friends, those towering mountains, with their pleasing grandeur, took hold on the imagination, and the influence which they exerted on those who must needs pass through or over them remains upon their descendants to this day. To this feature of Kentucky history we are indebted to John Filson solely.

To the work done in the Library of Congress especial attention is directed. The Breckinridge Manuscripts, the Innes Manuscripts and other original sources yielded much which puts a new light on many important events that transpired in the early periods of the development of Kentucky and which will serve to correct many misconceptions concerning those events that have been the subject of bitter and acrimonious discussion since the foundation of the state. It is believed that a careful study of these papers has resulted in not only correcting many former errors, but will lend the additional service of allaying some of the embitterments that have been transmitted from generation to generation.

The very careful and painstaking examination that was made of the Draper Collection in the Historical Society of Wisconsin, and the Durrett Manuscript Collection, the richest and most extensive in existence on



Kentucky history, will likewise correct many errors that have been indulged in for more than a century. The invaluable collection of manuscripts belonging to Miss Lucretia Hart Clay, of Lexington, for the first time made accessible to a writer of Kentucky history, has been of incalculable benefit to the writers of this work. Miss Clay is a grand-daughter of Henry Clay and of Lucretia Hart, whose father was a director in the Transylvania Company, and many of the manuscripts bearing upon her distinguished ancestors can be found in none of the accessible sources of Kentucky history. The authors of this work feel especially indebted to Miss Clay for this mark of distinction, the wealth of whose collections will be best appreciated in the various references in the text and the footnotes to this source of information.

No former history of Kentucky has undertaken to deal with the history of the eastern part of the state. While this defect has been remedied only to a small extent in the present work, because to do so would be of a local rather than a general character, at the same time there are some facts connected with that portion of the state that are treated herein at greater length than in any previous history of the state. Many very important matters, especially those relating to the Civil war, had to be omitted, since only a generalization account of that period of the state's history was undertaken. It is the hope of the authors and the editor that the wealth of material collected on this subject may be utilized by them in the not distant future, since this portion of the state must soon become the wealthiest section of the nation. In wealth, intelligence and political importance it must soon take equal rank with any portion of the state.

Kentuckians may justly be proud of their state. In historical importance, wealth of natural resources, pride of ancestry, love of state, it has no superior. It has been the attempt of those who have labored for two years in the preparation of this work to give the people of Kentucky a record of their history from the first recorded incident in connection with the discovery and settlement of the country to the defeat of the "Evolution" bill by the vote of a mountain representative. It is a record of which all may be proud. While there may be found in her annals much that might be the subject of critical observations, no Kentuckian need blush for his state. "The past, at least, is secure." A better and a fuller knowledge of what her people have done, what they have accomplished, and the position which their state has held in the councils of the nation, must serve to increase the love and reverence which her sons and daughters bear her, under whatsoever sun they may dwell. Pride of state from the beginning has been a characteristic of the Kentuckian. No children ever showed greater parental affection. Among Kentuckians, no matter where found, there exists a fellowship to be found among no other people.

Kentucky has not been a silent member of the sisterhood of states. The Union owes much to this first born of her daughters, she having been formed before the earlier admitted Vermont. George Rogers Clark gave to the Union the entire Northwest Territory. But for the action taken by Kentucky the purchase of the Louisiana Territory must have been doubtful, if not impossible. The so-called Spanish Conspiracies never affected the loyalty of the body of her people, and the individuals were affected far less than has been supposed. It has been the endeavor of those associated with the preparation of this work to give an impartial account of that era in our history and to make any future account unnecessary. As will be seen, political rivalry had the effect of not infrequently putting loyal acts in a disloyal light. A just estimate of the pioneer Kentuckians cannot be given by any historian. Those who would have betrayed the state into an allegiance with a foreign monarchy are

negligible. When it is considered that all the wealth and diplomatic skill, as well as a flood of intrigue, were employed to lead a people who occupied an isolated and unprotected position from a position of hazard into one of apparent security and affluence, there is revealed in the failure of all these efforts a race that is full worthy of all the praise and admiration that may be lavished upon it. For strength and character and force of will, the Kentuckian of pre-state times may not be compared with any of the state-builders that have joined the Union.

For the Kentucky that is to be, the Kentucky of the past must ever be an inspiration. In her ideals she has not soared above the unattainable. Should she ever suffer the misfortune of taking a downward course, it will not be because the accomplishments of the past have not been an incentive to travel upward. That her glorious past is but an earnest of her yet more glorious future is the anticipation of a faith too real to be marred by the spectre of doubt.

Especial acknowledgment is made to those who have contributed to this work. The special articles that will be found in the text are among the most valuable that appear in the entire collection of historic data. Without these contributions the work would be irreparably deficient.

THE EDITOR.



# TABLE OF CONTENTS

---

## CHAPTER I

ORIGIN AND MEANING OF NAMES.....	1
----------------------------------	---

## CHAPTER II

EARLY INDIAN OCCUPANCY OF THE OHIO VALLEY.....	15
--	----

## CHAPTER III

DISCOVERY AND EXPLORATION BY THE ENGLISH OF THE OHIO COUNTRY	40
--	----

## CHAPTER IV

THE INDIAN TITLE TO KENTUCKY AND ITS EXTINCTION.....	49
--	----

## CHAPTER V

THE EXPLORATION OF DR. THOMAS WALKER.....	57
---	----

## CHAPTER VI

EXPLORATION OF KENTUCKY BY CHRISTOPHER GIST.....	67
--	----

## CHAPTER VII

MRS. MARY INGLES—THE FIRST WHITE WOMAN IN KENTUCKY.....	75
---	----

## CHAPTER VIII

THE SANDY CREEK VOYAGE.....	94
-----------------------------	----

## CHAPTER IX

SWIFT'S SILVER MINES .....	110
----------------------------	-----

## CHAPTER X

THE FOUNDING OF HARMAN'S STATION.....	134
---------------------------------------	-----

## CHAPTER XI

TRANSYLVANIA AND THE FIRST SETTLEMENTS.....	160
---	-----

## CHAPTER XII

KENTUCKY IN THE REVOLUTION.....	173
---------------------------------	-----

## TABLE OF CONTENTS

## CHAPTER XIII

AFTER THE REVOLUTION—INDIAN TROUBLES—BATTLE OF BLUE LICKS 185

## CHAPTER XIV

STATIONS AND EARLY SETTLEMENTS IN KENTUCKY..... 200

## CHAPTER XV

INSTITUTIONAL DEVELOPMENT: LAND SYSTEM, COUNTIES, TOWNS.... 212

## CHAPTER XVI

BEGINNINGS IN THE MOVEMENT FOR SEPARATION FROM VIRGINIA.... 221

## CHAPTER XVII

THE FIRST THREE CONVENTIONS..... 226

## CHAPTER XVIII

THE FOURTH CONVENTION—THE FIRST AND SECOND ENABLING ACTS.. 235

## CHAPTER XIX

TRADE RIGHTS DOWN THE MISSISSIPPI—THE FIFTH CONVENTION.... 239

## CHAPTER XX

WILKINSON AND THE SPANISH TRADE..... 245

## CHAPTER XXI

THE SPANISH PLOT—THE SIXTH CONVENTION..... 252

## CHAPTER XXII

THE DEFEAT OF THE SPANISH CONSPIRACY—THE SEVENTH CONVEN-  
TION ..... 260

## CHAPTER XXIII

THE SPANISH COLONIZATION SCHEME—THE EIGHTH AND NINTH CON-  
VENTIONS ..... 269

## CHAPTER XXIV

CONSTITUTION AND UNION ..... 279

## CHAPTER XXV

KENTUCKY, CHARACTER AND SOCIETY AT THE BEGINNING OF STATE-  
HOOD ..... 286

## CHAPTER XXVI

MATERIAL AND INTELLECTUAL PROGRESS, 1775-1792..... 297



## TABLE OF CONTENTS

xi

### CHAPTER XXVII

PUTTING THE GOVERNMENT INTO OPERATION: EXECUTIVE, LEGISLATIVE AND JUDICIAL CONTROVERSIES .....	307
--	-----

### CHAPTER XXVIII

DEMOCRATIC CLUBS AND THE FRENCH SCHEME AGAINST LOUISIANA..	318
--	-----

### CHAPTER XXIX

GEORGE ROGERS CLARK AND THE FRENCH ENTERPRISE.....	325
--	-----

### CHAPTER XXX

GOVERNOR SHELBY AND THE FRENCH ENTERPRISE.....	336
--	-----

### CHAPTER XXXI

KENTUCKY AND THE FEDERAL GOVERNMENT ON THE OPENING OF THE MISSISSIPPI .....	346
---	-----

### CHAPTER XXXII

SPAIN AND THE GENET EPISODE: FURTHER SPANISH PLOTS.....	359
---	-----

### CHAPTER XXXIII

CONQUERING THE NORTHWEST INDIANS: THE CAMPAIGNS OF HARMAR, ST. CLAIRE, AND WAYNE.....	376
---	-----

### CHAPTER XXXIV

THE SECOND CONSTITUTION .....	390
-------------------------------	-----

### CHAPTER XXXV

FEDERAL RELATIONS: THE RESOLUTIONS OF 1798 AND 1799.....	403
--	-----

### CHAPTER XXXVI

KENTUCKY AND THE LOUISIANA PURCHASE.....	424
--	-----

### CHAPTER XXXVII

AARON BURR IN KENTUCKY .....	434
------------------------------	-----

### CHAPTER XXXVIII

THE SEQUEL TO THE BURR CONSPIRACY: KENTUCKY LOYALTY TO THE UNION .....	457
--	-----

### CHAPTER XXXIX

EARLY PARTIES AND POLITICAL DEVELOPMENT.....	469
--	-----

### CHAPTER XL

MATERIAL DEVELOPMENT AROUND 1800.....	485
---------------------------------------	-----

## CHAPTER XLI

AGRICULTURAL AND MANUFACTURING DEVELOPMENT AROUND 1800... 499

## CHAPTER XLII

BANKS AND BANKING AROUND 1800..... 511

## CHAPTER XLIII

EARLY BOUNDARY DISPUTES ..... 516

## CHAPTER XLIV

SOCIAL AND INTELLECTUAL PROGRESS, 1792-1810..... 524

## CHAPTER XLV

KENTUCKY IN THE WAR OF 1812..... 545

## CHAPTER XLVI

THE KENTUCKY CHARACTER AND THE WAR..... 569

## CHAPTER XLVII

SLAUGHTER AND THE DISPUTED GUBERNATORIAL SUCCESSION..... 580

## CHAPTER XLVIII

SPECULATION—BANK MANIA AND HARD TIMES..... 592

## CHAPTER XLIX

REPLEVIN LAWS AND RELIEF: THE BANK OF THE COMMONWEALTH.. 607

## CHAPTER L

THE STRUGGLE AGAINST THE JUDICIARY—OLD COURT AND NEW COURT 623

## CHAPTER LI

STATE RIGHTS VERSUS THE UNITED STATES BANK AND COURTS: THE  
OCCUPYING CLAIMANT LAWS ..... 650

## CHAPTER LII

THE RISE OF NATIONAL PARTIES IN STATE POLITICS: CLAY AND  
JACKSON ..... 674

## CHAPTER LIII

DEMOCRATS AND WHIGS ..... 692

## CHAPTER LIV

THE ERA OF INTERNAL IMPROVEMENTS AND THE BEGINNING OF RAIL-  
ROADS ..... 721

# TABLE OF CONTENTS

xiii

## CHAPTER LV

ECONOMIC PROGRESS DURING THE MIDDLE PERIOD.....	739
---	-----

## CHAPTER LVI

EDUCATIONAL ADVANCEMENT DURING THE MIDDLE PERIOD.....	753
---	-----

## CHAPTER LVII

SOCIAL AND INTELLECTUAL DEVELOPMENT DURING THE MIDDLE PERIOD	769
--	-----

## CHAPTER LVIII

SLAVERY .....	796
---------------	-----

## CHAPTER LIX

NATIONAL PROBLEMS AND THE THIRD CONSTITUTION.....	821
---	-----

## CHAPTER LX

BREAKING THE BONDS OF THE UNION.....	842
--------------------------------------	-----

## CHAPTER LXI

NEUTRALITY AND THE UNION.....	853
-------------------------------	-----

## CHAPTER LXII

COMMERCE AND COMMERCIAL RESTRICTIONS IN WAR TIMES.....	868
--	-----

## CHAPTER LXIII

CIVIL AND MILITARY AFFAIRS DURING THE WAR.....	885
--	-----

## CHAPTER LXIV

EFFECTS OF THE WAR.....	906
-------------------------	-----

## CHAPTER LXV

COMMERCIAL RELATIONS BETWEEN THE OHIO VALLEY AND THE SOUTH —1865-1872 .....	922
--	-----

## CHAPTER LXVI

RECENT STATE HISTORY .....	987
----------------------------	-----

## CHAPTER LXVII

GEOLOGY OF KENTUCKY .....	1016
---------------------------	------

## CHAPTER LXVIII

AN HISTORICAL SKETCH OF THE KENTUCKY GEOLOGICAL SURVEY (1838-1922) .....	1031
---	------

## CHAPTER LXIX

THE ADVENTURES OF COLONEL DANIEL BOONE.....	1035
---	------

## CHAPTER LXX

TRANSYLVANIA UNIVERSITY .....	1049
-------------------------------	------

## CHAPTER LXXI

THE INFLUENCE OF HENRY CLAY ON POLITICAL OPINION IN KEN- TUCKY .....	1061
---	------

## CHAPTER LXXII

GOVERNORS OF KENTUCKY .....	1071
-----------------------------	------

## CHAPTER LXXIII

UNITED STATES SENATORS FROM KENTUCKY.....	1082
---	------

## CHAPTER LXXIV

THE COUNTIES OF KENTUCKY.....	1099
-------------------------------	------

## CHAPTER LXXV

OFFICERS FROM KENTUCKY IN THE CIVIL WAR.....	1114
--	------

## CHAPTER LXXVI

ALPHABETICAL LIST OF BATTLES AND SKIRMISHES IN KENTUCKY IN THE CIVIL WAR .....	1155
---	------

## CHAPTER LXXVII

THE ROMANCE OF TOBACCO AND ITS EARLY INTRODUCTION IN KEN- TUCKY .....	1162
--	------

## CHAPTER LXXVIII

THE GROWTH AND CULTURE OF TOBACCO IN KENTUCKY.....	1177
--	------

## CHAPTER LXXIX

EARLY TAVERNS AND TRAVELERS IN CENTRAL KENTUCKY.....	1188
--	------

## CHAPTER LXXX

THE CUMBERLAND GAP REGION .....	1197
---------------------------------	------

## BIBLIOGRAPHY

LIST OF THE PRINCIPAL AUTHORITIES CONSULTED—GENERAL WORKS..	1212
---	------

# INDEX

- Ab's Valley, I, 135  
 Abbott, Harry W., III, 214  
 Abolition newspaper, II, 811  
 Abolition propaganda, II, 803  
 Abolition societies, II, 803  
 Abolition Society, II, 810  
 Abolitionists, II, 807, 819, 832; Northern, II, 802  
 Academies, I, 528; decadence of, II, 753  
 Ackerman, Edmund R., III, 98  
 Acree, F. F., IV, 515  
 Adair and Jackson controversy, II, 572  
 Adair, Belle D., V, 316  
 Adair County, II, 1101, 1102  
 Adair, Cromwell, IV, 70  
 Adair, James, I, 111  
 Adair, John, I, 436, 437, 449, 453, 561, 565; II, 571, 572, 595, 609, 622, 629, 662, 666, 749, 753, 758, 779, 781, 1071, 1074, 1082, 1086, 1102  
 Adair, Robert, V, 316  
 Adair, Robert B., III, 586  
 Adams, Arch C., V, 573  
 Adams, B. E., V, 598  
 Adams, Carl L., IV, 507  
 Adams, Chester D., IV, 169  
 Adams, Drew B., V, 631  
 Adams, George, I, 458  
 Adams, Green, II, 1206  
 Adams, John, I, 167, 528  
 Adams, J. Q., II, 686, 687, 787  
 Adams, Lon, V, 290  
 Adams, Lytle S., IV, 629  
 Adams, Roscoe C., IV, 537  
 Adams, Samuel, I, 167  
 Adams, Silas G., III, 190  
 Adams, Thomas B., IV, 277  
 Adams, Thomas J., III, 136  
 Adams, William, I, 130  
 Adams' Station, I, 200  
 Addams, William, IV, 282  
 Addis, Francis M., V, 283  
 Adee, David, III, 198  
 Adkins, John, IV, 371  
 Agricultural and manufacturing development around 1800, I, 499  
 Agricultural and Mechanical College, II, 1058  
 Agricultural fairs, II, 920  
 Agricultural production in 1786, I, 245  
 Agricultural school, II, 741  
 Agricultural societies, II, 740  
 Agriculture, I, 286, 302; II, 592, 739, 1026, 1177; high prices and hard times, II, 1182  
 Agriculture, State Department of, II, 741  
 Akers, Matthew L., IV, 13  
 Akin, John A., IV, 266  
 Albany, II, 899  
 Alcorn, Edward, V, 207  
 Alcorn, James L., V, 620  
 Alexander and Munsell's Line, I, 520  
 Alexander, Alexander J. A., III, 118  
 Alexander, Charlton, IV, 290  
 Alexander, Charlton, Sr., IV, 290  
 Alexander, Hiram W., IV, 323  
 Alexander, L. F., IV, 529  
 Alexander, Mary E., IV, 323  
 Alexander, Reuben R., IV, 529  
 Alexander, Richard, III, 263  
 Alexander, Robert, II, 595  
 Alexander, R. A., V, 80  
 Alexander, Younger, IV, 159  
 Algonquin Indians, I, 16  
 Alien and Sedition Laws, I, 407; II, 1063  
 Aliens, I, 418  
 Allan, Frank, V, 330  
 Alleghany, origin of name, I, 21  
 Alleghany River, I, 48  
 Allen, Arthur D., III, 112  
 Allen County, II, 746, 1101, 1102  
 Allen, Ellis S., V, 186  
 Allen, Frank S., V, 572  
 Allen, Grover C., V, 636  
 Allen, Henry B., III, 179  
 Allen, Henry D., III, 191  
 Allen, James, II, 762  
 Allen, James L., II, 752, 789, 792, 995, 1059  
 Allen, John, I, 258, 429, 447, 450, 476, 508, 555, 561; II, 1102  
 Allen, John R., III, 362  
 Allen, Joseph H., V, 424  
 Allen, Mrs. J. K., V, 538  
 Allen, Lafon, IV, 35  
 Allen, William B., V, 625  
 Alley, Robert, I, 130  
 Allin, Bush W., II, 1187  
 Allison, John, III, 354  
 Allison, John W., IV, 142  
 Alloway, Fred L., III, 384  
 Alves, Gaston M., V, 285  
 Ambrose, Robert S., IV, 52  
 American party, II, 845, 849  
 American Republic, I, 475  
 American System, I, 523; II, 688, 693, 718, 722, 1069  
 American system of coinage, I, 511  
 American Tobacco Company, II, 1180  
 Amis, Thomas, I, 241  
 Ammerman, Daniel, IV, 296  
 Ammerman, Jacob H., III, 529  
 Ammerman, James K., IV, 242  
 Amusements, I, 536; II, 793  
 Ancient furnaces, I, 115  
 Anderson, Andrew B., III, 256  
 Anderson County, II, 1101, 1102  
 Anderson, Ernest B., III, 297  
 Anderson, James B., IV, 205  
 Anderson, Judson M., V, 519  
 Anderson, Mary H., III, 256  
 Anderson, Mattie, III, 256



- Anderson, Milton C., V, 478  
 Anderson, Richard C., Jr., II, 1102  
 Anderson, Richard T. (deceased) III, 178  
 Anderson, Richard T., Jr., III, 179  
 Anderson, Robert, II, 886, 889, 905; V, 624  
 Anderson, Samuel A., III, 73  
 Anderson, Samuel W., III, 296  
 Anderson, Sidney J., III, 572  
 Anderson, Thomas C., V, 519  
 Anderson, W. B., IV, 69  
 Andrews, Albert K., V, 236  
 Andrews, Phil C., V, 459  
 Andrews, Stephen, I, 503  
 Anti-bank sentiment, II, 715  
 Anti-Cigarette law, II, 992  
 Anti-Relief Party, II, 630  
 Anti-slavery societies, I, 543  
 Anti-slavery Society, I, 393  
 Apperson, Richard, I, 130; III, 531  
 Apperson, Richard, Jr., IV, 615  
 Arbitration act, I, 480  
 Arbitration boards, I, 480  
 Arbitration clause, I, 401  
 Archeology, I, 15  
 Archer, Ernest E., IV, 426  
 Ardery, William B., IV, 311  
 Aristocratic class, II, 796  
 Aristocracy, cry of, I, 390  
 Arlington's Station, I, 200  
 Armentrout, L. Vance, III, 403  
 Armories, II, 772  
 Armstrong, Elijah H., IV, 94  
 Armstrong, John, I, 200  
 Armstrong, Walter A., V, 491  
 Armstrong's Station, I, 200  
 Army bases, II, 877  
 Arnold's Station, I, 200  
 Arthur, Cleaton J., III, 584  
 Arthur, Edward F., V, 489  
 Arthur, Gabriel, I, 47  
 Arthur, Sidney, V, 249  
 Arthur, William E., V, 249  
 Asbury, Bishop, I, 536  
 Asbury, Carroll D., II, 1187  
 Ashbrook, James N., IV, 244  
 Ashby, F. M., V, 247  
 Ashcraft, William D., III, 305  
 Asher, George M., V, 200  
 Asher, Hugh H., V, 199  
 Asher, Thomas J., II, 1207; V, 198  
 Ashland, I, 525; II, 787  
 Ashland District, II, 844  
 Ashley, Silas, V, 203  
 Ashlock, James H., III, 301  
 Ashlock, John R., III, 347  
 Ashton's Station, I, 200  
 Association for marketing Burley tobacco, II, 1184  
 Atchison, David R., II, 1059  
 Atherton, John M., IV, 65  
 Atherton, Peter L., IV, 65  
 Atkinson, Charles T., IV, 411  
 Atkinson, Hughes, IV, 634  
 Atkinson, Robert A., V, 16  
 Attkisson, Eugene R., IV, 91  
 Aud, William E., III, 52  
 Augusta College, II, 756  
 Augusta County, Virginia, I, 216; II, 1099  
 Auxier, Andrew E., IV, 484  
 Averett, William P., IV, 191  
 Babb, Harvey A., IV, 597  
 Bach, Bert C., V, 558  
 Bach, Grannis, IV, 623.  
 Bach, John J. C., IV, 623  
 Bach, Wilgus, IV, 615  
 Back, Madison T., IV, 609  
 Back, Miles, IV, 613  
 Back, William D., IV, 633  
 Backus, James J., V, 399  
 Bacon, B. R., V, 186  
 Bacon Creek, II, 899  
 Bacon, Horace S., IV, 579.  
 Bagby, C. C., IV, 428  
 Bagby, Emmett W., V, 347  
 Bagby, Eugene R., V, 466  
 Bailey, Jacob N., V, 325  
 Bailey, Henry, III, 455  
 Bailey, James F., IV, 553  
 Bailey, James G., II, 1008  
 Bailey, Nancy T., III, 455  
 Bailey, William L., III, 603  
 Bailey's Station, I, 200  
 Bain, George W., V, 45  
 Baird, James, I, 234  
 Baker, Allan W., III, 240  
 Baker, Charles A., IV, 245  
 Baker, Francis M., V, 194  
 Baker, Guernsey C., V, 615  
 Baker, Herschel C., V, 577  
 Baker, John M., V, 614  
 Baker, R. A., V, 457  
 Baker, R. T., II, 917  
 Baker, Rachel T., IV, 573  
 Baker, W. J., III, 204  
 Baker, W. M., V, 346  
 Bales, George W., IV, 167  
 Balclutha, I, 148  
 Ball, William S., III, 306  
 Ballard Literature, II, 1208  
 Ballard, Bland W., II, 1102  
 Ballard County, II, 1102  
 Ballard, J. Hogan, III, 142  
 Ballard's Station, I, 200  
 Ballengall, David, I, 547  
 Ballot box and the negroes, II, 918  
 Balsly, Thomas W., V, 234  
 Banfield, Allen P., V, 476  
 Banking, II, 1069  
 Banking laws, II, 605  
 Bank mania, II, 592  
 Bank notes, beginning of, II, 617  
 Bank of Kentucky, I, 513; II, 595, 596, 606, 610, 618, 710, 753; charter repealed, II, 613  
 Bank of Louisville, II, 866  
 Bank of the Commonwealth, II, 607, 609, 613, 615, 618, 623; Supreme Court decision on, II, 619  
 Bank of the United States, II, 1068  
 Bank of the United States vs. Norvell, II, 653  
 Bank tyranny, II, 651  
 Banks and banking around 1800, I, 511  
 Banks, I, 299; II, 601, 605, 607, 650, 695, 709, 715, 718, 720, 752, 794, 987, 1185; in 1817, II, 595; in 1818, II, 596; independent, II, 597, 603, 606  
 Baptist Church, I, 158, 288, 534; II, 783, 794  
 Baptist Valley, I, 138  
 Baptists and slavery, I, 283, 542; II, 799

- Bar, pioneer, I, 214, 293, 479  
 Barbecues, II, 774; of 1842, II, 823  
 Barbee, Thomas, I, 300  
 Barber, Ira Z., V, 55  
 Barber, John R., V, 72  
 Barber, Mary A., V, 72  
 Barber, William, I, 399  
 Barbour, James, I, 216  
 Barbour, James F., III, 587  
 Barbour, Phillip, I, 234  
 Barbourville, I, 61; II, 899, 1199, 1206  
 Barbourville Baptist Institute, V, 426  
 Bardstown, I, 200, 296, 306, 532, 533, 535;  
     II, 892, 893, 929, 1075  
 Bargain and corruption, II, 678, 682, 686,  
     1067  
 Barker, Edwin, IV, 162  
 Barker, Henry S., IV, 61  
 Barker, Milton W., IV, 286  
 Barker, Ralph M., II, 1183, 1184, 1186;  
     V, 241  
 Barkley, Alben W., V, 269  
 Barkley, Archibald H., IV, 161  
 Barkley, William L., IV, 38  
 Barnes, Henry M., V, 527  
 Barnes, Sidney M., II, 914, 916  
 Barnett, Joseph, I, 200  
 Barnett, Tyler, V, 191  
 Barnett's Station, I, 200  
 Barney, John D., IV, 558  
 Barr, Edward, III, 306  
 Barren County, II, 1101, 1102  
 Barrens, II, 1024  
 Barret, Alexander G., III, 370  
 Barret, Henry P., III, 216  
 Barret, James R., III, 219  
 Barrett, William W., V, 58  
 Barrow, A. C., V, 310  
 Barrow, David, V, 310  
 Barry, William T., I, 561; II, 583, 587,  
     622, 631, 683, 689, 692, 755, 758, 1052,  
     1059, 1067, 1083, 1086  
 Barter, I, 299  
 Bartol, Alexander, I, 126  
 Barton, John, I, 204; III, 204  
 Barton, John E., II, 1034  
 Barton, R. H., IV, 584  
 Barton, Will, V, 245  
 Bascom, Henry B., II, 763, 1058; V, 623  
 Basham, A. A., III, 477  
 Basham, James T., V, 443  
 Basham, Paul M., V, 61  
 Bassett, Frank H., V, 127  
 Bassett, George O., III, 460  
 Bassett, J. Edward, Jr., IV, 253  
 Bassett, Robert J., IV, 533  
 Bates, David A., V, 531  
 Bates, Jeremiah, I, 126  
 Bath County, II, 745, 1031, 1101, 1103  
 Batson, Homer W., IV, 67  
 Batterton, George B., IV, 126  
 Battle Monument, I, 193  
 Battle of Blue Licks, I, 185  
 Battle of Fallen Timbers, I, 388  
 Battle of Lake Erie, I, 560, 576  
 Battle of New Orleans, I, 565; II, 569,  
     575  
 Battle of the Thames, I, 561; II, 713  
 Battle of Wild Cat Mountain, II, 887  
 Battles and Skirmishes in Kentucky in the  
     Civil war, list of, II, 1155  
 Battles of the Civil war, II, 899  
 Batts, Thomas, I, 43  
 Bauer, William, IV, 306  
 Baxter, Andrew A., IV, 81  
 Baynham, Ritchie G., III, 32  
 Beach, George J., III, 121  
 Bealer, George C., V, 234  
 Beall Brothers, IV, 21  
 Beall, Huston, IV, 21  
 Beall, Milton P., IV, 21  
 Beall, T. S., IV, 21  
 Bean's Station, I, 114, 121  
 Beard, Arthur T., III, 385  
 Beard, Eugene F., V, 192  
 Beard, Lucy M., III, 348  
 Beard, Marvin D., V, 124  
 Beard, Taylor, III, 348  
 Beatty, Erskuries, I, 294  
 Beatty, John B., III, 482  
 Beatty, Robert E., II, 1184  
 Beauchamp, Frances E., III, 138  
 Beauchamp, Runey N., V, 248  
 Beck, James B., II, 976, 977, 1059, 1085,  
     1087  
 Beckham, J. Crepps W., II, 1010, 1011,  
     1014, 1015, 1072, 1080, 1087  
 Bedford, Silas E., IV, 215  
 Bedinger, George M., I, 194  
 Beecher, Lyman, II, 763  
 Beginnings in the movement for separa-  
     tion from Virginia, I, 221  
 Begley, W. E., IV, 247  
 Belknap, William B., IV, 29  
 Belknap, William R., IV, 28  
 Bell County, I, 55, 115, 489; II, 1102  
 Bell, Horace V., IV, 499  
 Bell, James H., IV, 58  
 Bell, John, II, 852  
 Bell, Joshua F., II, 850, 897, 1103; V, 620  
 Bell, Mabel V., V, 452  
 Bell, William, IV, 58  
 Bell, William V., IV, 639  
 Bell's Station, I, 200  
 Benjamin, Judah P., II, 872  
 Bennett, Jacob, L., IV, 297  
 Bennett, James W., V, 228  
 Bennett, Reginald V., V, 378  
 Bennett, Trice C., V, 368  
 Bennett, Wallace T., III, 347  
 Bensinger, Arthur B., III, 79  
 Bentle, Henry A. W., IV, 296  
 Benton, James M., IV, 185  
 Benton, Otis A., V, 203  
 Berea, II, 819  
 Bernheim, Isaac W., IV, 30  
 Berkshire, Park, L., III, 331  
 Berry, Bailey D., IV, 338  
 Berry, Cary A., III, 399  
 Berry Family, IV, 328  
 Berry, Henry S., III, 228  
 Berry, James M., V, 19  
 Berry, John J., V, 341  
 Berry, Leonard C., IV, 152  
 Berry, Samuel B., III, 229  
 Berry, W. A., V, 347  
 Berryman, Brownell, IV, 176  
 Berryman, Charles H., IV, 175  
 Bertram, Elza, III, 520  
 Bertram, Oscar B., V, 431  
 Beshear, Fred, V, 491  
 Bethel Academy, I, 528  
 Bethel College, III, 526  
 Bethel Woman's College, IV, 93

- Bethurum, B. J., III, 488  
 Bethurum, Leonard W., III, 89  
 Bibb, George M., II, 587, 622, 637, 646, 647, 659, 663, 676, 696, 712, 1059, 1082, 1083, 1088  
 Bibb, Jesse W., V, 252  
 Bibb, John B., II, 828  
 Bibb, Richard, II, 799  
 Bibliography, II, 1212  
 Biddle, Nicholas, II, 694  
 Bienville, Celoron de, expedition, I, 48  
 Big Bone Lick, I, 72, 84, 160, 532  
 Big Paint Creek, I, 64, 147, 156  
 Big Sandy River, I, 9, 129, 516  
 Big Sandy Valley, I, 135, 136, 158, 161  
 Bigstaff, Thomas J., III, 574  
 Big Sycamore Creek, I, 59  
 Billings, Benjamin J., V, 159  
 Bi-metalism, II, 1006  
 Bingham, Robert W., II, 1183, 1186, 1187; IV, 16  
 Bingham, William, II, 1200  
 Bird, Henry, I, 183  
 Bird, R. Lee, IV, 479  
 Birdwhistell, James M. B., V, 174  
 Birkhead, Herman A., IV, 171  
 Birkhead, Thomas F., III, 316  
 Birney, James G., II, 800, 801  
 Birthplace of Daniel Boone (view), II, 1037  
 Black, James D., II, 1072, 1081, 1207; IV, 3  
 Black Republicans, II, 850  
 Black, Robert, L., V, 323  
 Black's Station, I, 200  
 Blackburn, H. M., V, 246  
 Blackburn, Luke P., II, 994, 1002, 1072, 1078  
 Blackburn, Joseph C. S., II, 1007, 1085, 1088  
 Blackburn, Samuel, I, 126  
 Blackburn, William, I, 458, 464  
 Blackford, Dennis B., IV, 59  
 Blackwell, Clore H., III, 40  
 Blackwell, James B., III, 119  
 Blackwell, Marlin L., III, 163  
 Blaine, Alexander D., V, 173  
 Blair, Francis P., I, 68; II, 610, 636, 641, 643, 646, 692  
 Blair, Frederick K., IV, 592  
 Blair, Montgomery, I, 68  
 Blair, Robert D., IV, 341  
 Blair, Roger P., IV, 394  
 Blake, Edward H., V, 369  
 Blake, Stanley, III, 59  
 Blakely, Stephens L., III, 225  
 Bland, Ballard, V, 621  
 Bland, Thomas E., V, 166  
 Bland, Willard C., V, 284  
 Blastock, Alfred H., IV, 155  
 Blastock Brothers, IV, 155  
 Blastock, Robert S., IV, 155  
 Bledsher, Abraham, I, 96  
 Bledsoe, Jesse, I, 68; II, 587, 637, 755, 1056, 1083, 1088  
 Blennerhassett, Herman, I, 435, 453, 455  
 Blennerhassett's Island, I, 440  
 Blevins, A. F., IV, 619  
 Blockade of the South, II, 868  
 Blockhouse Bottom, I, 159  
 Bloom, Isadore M., IV, 47  
 Bloomfield, Vic, III, 341  
 Blount, William, I, 374  
 Blue, Bartlett W., III, 184  
 Blue Grass region, I, 245, 288, 295, 493, 524, 538; II, 593, 740, 821, 929, 940, 966, 984, 1019, 1180; exports, II, 742, freight rates, II, 932  
 Blue-Jacket, Charles, I, 128  
 Blue-Jacket Family, I, 119  
 Blue Lick Springs, II, 792  
 Blue Licks, I, 13, 180, 185; II, 1041  
 Blue Licks, Battle of, I, 188, 191; II, 1046  
 Blue Licks, Upper, I, 200  
 Blue Ridge, I, 43  
 Blythe, James, I, 528; II, 1052, 1053  
 Board of Education of Campbellsville, V, 103  
 Board, Milton, III, 112  
 Board of Health, II, 993  
 Board of War, I, 384  
 Boardman, J. Elmer, IV, 483  
 Boards of Trade, military, II, 879  
 Boat building, I, 490  
 Bodley, Thomas, I, 314, 320  
 Bodley vs. Gaither, II, 670  
 Bogaert, Edwin, III, 392  
 Bogardus, O. A., IV, 434  
 Boggess, Walter F., IV, 230  
 Boggs, Joseph S., III, 468  
 Bohan, Michael, V, 39  
 Bohannan, Thomas, III, 398  
 Bohmer, Charles, II, 1181  
 Bohmer, C. W., III, 84  
 Boiling Springs, I, 165, 201  
 Boland, B. J., V, 279  
 Boling, James P., V, 103  
 Bonar, Douglas S., IV, 235  
 Bond, Bolivar, V, 489  
 Bond, James R., V, 682  
 Bond, W. W., V, 545  
 Bondurant, Joe S., V, 338  
 Bonta Brothers, IV, 256  
 Bonta, J. C. B., IV, 256  
 Book-shops, I, 531  
 Booles, William W., V, 171  
 Boone County, I, 85; II, 1100, 1103  
 Boone, Daniel, I, 10, 13, 62, 74, 114, 149, 160, 162, 175, 180, 185, 186, 188, 190, 194, 196, 200, 201, 214, 292, 293, 490; II, 656, 657, 746, 1021, 1035, 1103, 1197, 1205; birthplace of, view, II, 1037; portrait of, II, 771, 1045  
 Boone, Israel, I, 193, 194  
 Boonesborough, I, 164, 165, 167, 175, 180, 201, 216, 219, 289, 297; II, 657, 771, 1040, 1043, 1169  
 Boone's Cave, I, 201  
 Boone's Monument, I, 491; II, 1045  
 Boone's Station, I, 201  
 Boone's Trail, I, 164  
 Border Slave State Convention, II, 854, 858  
 Border warfare, II, 894  
 Borders, Joe H., I, 129  
 Borders, John, I, 134, 141, 152  
 Bosler, William N., IV, 648  
 Bosley, Joseph G., III, 263  
 Bosley's Station, I, 201  
 Bosse, Herman B., III, 115  
 Boston, John B., III, 565  
 Boston, William A., IV, 135  
 Bosworth, Joe F., V, 84  
 Bosworth, Nathaniel L., IV, 124

- Botetourt County, II, 1099  
 Botts, Laurel W., III, 176  
 Boughner, G. F., V, 500  
 Boundary Commission of 1820, I, 520  
 Boundary disputes, I, 516  
 Boundary questions, II, 1000  
 Bounties, I, 507  
 Bourbon County, I, 194, 202, 281, 291, 301, 502, 539; II, 685, 762, 1103  
 Bourbon County Agricultural and Mechanical Association, II, 741  
 Bourland, William E., III, 168  
 Bourne, Edgar D., V, 167  
 Bourne, H. K., II, 1186  
 Bowles, Colbert C., IV, 380  
 Bowles, I. N., V, 530  
 Bowling Green, II, 611, 731, 880, 888, 900, 992  
 Bowling, T. H., III, 416  
 Bowling, Wiley, IV, 546  
 Bowling, William K., II, 767  
 Bowman, Abram, I, 201  
 Bowman, Anna Belle, V, 59  
 Bowman Family, V, 59  
 Bowman, Henry C., Jr., V, 59  
 Bowman, John, I, 173, 175, 181  
 Bowman, John B., II, 992, 1058  
 Bowman, Joseph, I, 177  
 Bowman, Sally, V, 59  
 Bowman, Squire F., III, 34  
 Bowman, William R., III, 314  
 Bowman's Station, I, 201  
 Boxley, Hart M., V, 28  
 Boyd County, II, 1102, 1103  
 Boyd, Frank P., V, 557  
 Boyd, Linn, II, 1103  
 Boyd, Lynn, II, 831  
 Boyd, Morgan C., III, 178  
 Boyle County, I, 203; II, 976, 1102, 1103  
 Boyle, Jerry T., II, 878, 889, 905  
 Boyle, John, II, 646, 775, 1103; V, 623  
 Bracken County, II, 819, 1100, 1103  
 Bracken Station, I, 201  
 Bracken, William, II, 1103  
 Braddock, defeat of, I, 94  
 Braddock Trail, I, 126  
 Braden, John T., III, 35  
 Bradford, Daniel, I, 532, 534  
 Bradford, Fielding, I, 532  
 Bradford, James M., I, 432  
 Bradford, John, I, 243, 299, 306, 307, 320, 330, 399, 532; portrait, I, 533; II, 773, 1051, 1052; V, 625  
 Bradford, Laban J., II, 1173  
 Bradley, Alfred, V, 20  
 Bradley, Ernest B., III, 298  
 Bradley, Robert L., V, 187  
 Bradley, William O., II, 1002, 1007, 1014, 1072, 1080, 1086, 1088, 1207  
 Bradner, James W., IV, 591  
 Bradshaw, Beverly L., V, 526  
 Bradshaw, W. F., IV, 390  
 Bradshaw, W. F., Jr., IV, 390  
 Brady, John H., IV, 324  
 Bragg, John R., IV, 537  
 Bragg's invasion, II, 881, 892  
 Bramblett, Covington U., V, 15  
 Bramlette, Thomas E., II, 864, 874, 879, 894, 897, 903, 907, 910, 960, 1072, 1077  
 Brandeis, Alfred, IV, 68  
 Brandeis, Louis, D., IV, 69  
 Brandon, George I., V, 389  
 Brandon, Robert W., V, 390  
 Branham, Noah, I, 128  
 Brashear's Station, I, 201  
 Brasher, Richard F., IV, 44  
 Braswell, Tilford A., V, 634  
 Bratcher, Andrew J., III, 492  
 Braun, Harry A., IV, 218  
 Breathitt County, II, 992, 993, 1101, 1103.  
 Breathitt, James, IV, 102  
 Breathitt, John, II, 690, 701, 707, 712, 762, 763, 770, 843, 1071, 1074, 1103; V, 623  
 Breck, Daniel, II, 763; III, 438  
 Breck, Robert L., III, 438  
 Breckinridge, Alexander, I, 215  
 Breckinridge, Clifton R., III, 20  
 Breckinridge County, I, 204; II, 1101, 1103  
 Breckinridge, Desha, III, 18  
 Breckinridge Family, I, 98; III, 14  
 Breckinridge, Henry, III, 20  
 Breckinridge, James D., II, 646  
 Breckinridge, John, I, 214, 242, 313, 316, 320, 330, 339, 350, 352, 354, 391, 397, 401, 414, 417, 421, 428, 429, 431, 437, 473; II, 1051, 1063, 1082, 1089, 1103, law office of, at Cabell's Dale (view), I, 398  
 Breckinridge, Hon. John, III, 14  
 Breckinridge, Rev. John, III, 16  
 Breckinridge, John C., II, 843, 844, 849, 852, 889, 903, 962, 1001, 1053, 1060, 1063, 1065, 1084, 1089, 1144; portrait, II, 851; III, 15  
 Breckinridge, Joseph C., II, 586, 587, 1054  
 Breckinridge, Hon., Joseph C., III, 15  
 Breckinridge, Major Joseph C., III, 20  
 Breckinridge, Madeline McD., III, 19  
 Breckinridge, Robert, I, 95, 253, 307, 342, 683  
 Breckinridge, Robert J., II, 637, 737, 764, 766, 795, 800, 814, 818, 835, 844, 847, 855, 877, 897, 903, 920, 1067  
 Breckinridge, Judge Robert J., III, 18  
 Breckinridge, Rev. Robert J., III, 16  
 Breckinridge, William L., II, 814; III, 17  
 Breckinridge, W. C. P., II, 1060; III, 18  
 Brennan, Harry M., III, 103  
 Brennan, Thomas, III, 103  
 Brewer, Floyd, V, 595  
 Bridge across Ohio River, II, 966  
 Bridges, William W., V, 525  
 Briggs, Annie L., IV, 433  
 Briggs, Benjamin F., V, 270  
 Briggs, George L., IV, 432  
 Briggs, Guy H., III, 403  
 Briggs, J. B., IV, 433  
 Bright, Betty F., III, 291  
 Bright, Mary E., III, 291  
 Briscoe, John, II, 619  
 Bristow, Benjamin H., V, 620  
 British influence on frontier, I, 359  
 Broadus, William W., V, 64  
 Brock, Remus N., III, 598  
 Brock, William B., III, 299  
 Brodhead, Lucas, III, 437  
 Brooks, Basil M., V, 391  
 Brooks, David F., IV, 345  
 Brooks, Ebenezer, I, 234, 258, 261, 303  
 Brooks, Frank D., III, 324  
 Brooks, Jared, I, 497  
 Brooks, Osie H., IV, 392  
 Brooks, Samuel C., IV, 117  
 Browder, Joe, V, 261

- Brower, Charles F., III, 335  
 Brown, Augustus, III, 329  
 Brown, Benjamin Gratz, I, 68; II, 1059  
 Brown, Charles A., IV, 611  
 Brown, Charles C., III, 33  
 Brown, Ellen, III, 338  
 Brown, Eli H., Jr., III, 169  
 Brown, Henry R., III, 337  
 Brown, James, I, 333, 343, 429, 469; II, 753, 1052  
 Brown, James B., II, 1185; IV, 54  
 Brown, James G., III, 146  
 Brown, John, I, 242, 252, 254, 258, 264, 270, 273, 277, 279, 285, 298, 300, 303, 316, 324, 338, 357, 377, 436, 438, 469; II, 1055, 1082, 1089  
 Brown, John, III, 75  
 Brown, John, IV, 379  
 Brown, John, raid, II, 852  
 Brown, John M., II, 903, 905  
 Brown, John S., IV, 364  
 Brown, John T., IV, 217  
 Brown, John Y., II, 1006, 1009, 1072, 1080  
 Brown, J. Sam, V, 311  
 Brown, Joseph L., V, 275  
 Brown, Martin J., III, 127  
 Brown, Robert B., V, 286  
 Brown, Robert H., IV, 483  
 Brown, Robinson S., V, 63  
 Brown, Samuel, II, 1052  
 Brown, Samuel H., V, 532  
 Brown, Scott, V, 176  
 Brown, Wallace, V, 289  
 Brown, William, IV, 255  
 Brown, William N., Jr., V, 143  
 Browning Brothers, IV, 150  
 Browning, James H., IV, 133  
 Browning, John W., IV, 150  
 Browning, Kenaz A., IV, 150  
 Brownsville, II, 899  
 Bruce, Edwin T., IV, 333  
 Bruce, Helm, IV, 75  
 Bruce, Horatio W., V, 625  
 Bruce, Sanders, II, 905  
 Brumley, Merritt C., IV, 509  
 Bruner, B. L., II, 1015  
 Brush, George W., II, 764  
 Bryan, Albert G., III, 350  
 Bryan, Clarence F., III, 527  
 Bryan, John, II, 762  
 Bryan, Joseph, I, 201  
 Bryan, William J., II, 993  
 Bryant, Ethel G., V, 422  
 Bryant, Jesse T., V, 628  
 Bryant, Raleigh D., III, 87  
 Bryant, Shephard H., V, 421  
 Bryant's Station, I, 183, 185, 195, 201, 216, 397; view, I, 201; II, 1046  
 Buchanan, James, II, 847  
 Buchanan, John, I, 77  
 Buchanan's Station, I, 201  
 Buckingham, Claude, IV, 482  
 Buckingham, John E., IV, 588  
 Buckley, John L., III, 97  
 Buckner, Montgomery G., III, 323  
 Buckner, Richard A., II, 647  
 Buckner, R. A., II, 699, 702  
 Buckner, Simon B., II, 880, 885, 887, 1001, 1002, 1008, 1072, 1078, 1144; portrait, II, 1003; III, 23  
 Buckner, William T., V, 320  
 Buel, Don Carlos, II, 885, 889, 892, 899  
 Buena Vista, battle of, II, 826  
 Buffalo, I, 149  
 Buford, Abe, II, 1144  
 Buford's Division, II, 1153  
 Bulger, Edward, I, 193  
 Bulger, John, I, 193  
 Bullitt, Alexander S., I, 257, 270, 284, 307, 400; II, 1103  
 Bullitt County, I, 201; II, 1100, 1103  
 Bullitt Family, III, 26  
 Bullitt, Joshua F., II, 916  
 Bullitt, Thomas, I, 162, 202, 206, 217, 218  
 Bullitt, Thomas W., III, 27  
 Bullitt, William M., III, 27  
 Bullitt's Lick, I, 202  
 Bullock, Edmond, II, 1055  
 Bullock, Edward T., V, 35  
 Bullock, Franklin A., III, 359  
 Bullock, Joseph J., II, 764  
 Bullock, Rice, I, 253  
 Bullock, Robert S., III, 359  
 Bullock, Waller O., IV, 192  
 "Bunting," III, 81  
 Burberry, George R., IV, 212  
 Burbridge, S. G., II, 905  
 Burchett, Drury J., III, 554  
 Burdon, Edward O., V, 436  
 Burge, Joseph, III, 270  
 Burgess, Thomas D., V, 554  
 Burgoyne, Harry, IV, 177  
 Burk, Alamander, IV, 616  
 Burk, Millard, V, 319  
 Burke, William B., IV, 339  
 Burksville, II, 901  
 Burley Belt, II, 1180  
 Burley Cooperative Association, II, 1184  
 Burley Tobacco, II, 1179  
 Burley Tobacco District, II, 1019  
 Burley Tobacco growers, II, 1170  
 Burley Tobacco Growers Association, II, 1183  
 Burley Tobacco Growers Cooperative Association, officers and directors, II, 1186  
 Burnam, C. F., V, 621  
 Burnam, Thompson S., II, 1187  
 Burnet, Jacob, II, 790  
 Burnett, Clyde, IV, 396  
 Burnett, Henry, IV, 68  
 Burns, Frank N., V, 602  
 Burnside, General, II, 874  
 Burnt Station, I, 202  
 Burpo, Howard L., V, 32  
 Burr, Aaron, I, 438, 528; in Kentucky, I, 434; indictment sought in Frankfort, I, 444; trial at Frankfort, I, 447; Daviess' indictment of, I, 452; II, 1191  
 Burr conspiracy, failure of, I, 453; sequel to, I, 457  
 Burris, M. T., I, 134, 135  
 Burruss, Jacob, IV, 272  
 Burt, Charles W., V, 585  
 Burton, Charles H., V, 551  
 Burton, George M., IV, 583  
 Burton, Lewis W., III, 335  
 Busby, Elbridge L., IV, 247  
 Bush, Enoch R., V, 215  
 Bush, James R., III, 355  
 Bush, Samuel S., III, 374  
 Bush, Valentine W., V, 315  
 Bush, William A., IV, 76  
 Bush's Station, I, 202  
 Bushong, George W., V, 125



- Buster, John S., IV, 260  
 Butcher, John K., IV, 571  
 Butler, II, 629  
 Butler County, II, 1101, 1103  
 Butler, Henry C., V, 314  
 Butler, Mann, II, 770  
 Butler, Richard, II, 1103  
 Butler, William O., II, 824, 826, 831  
 Bybee, James A., V, 538  
 Byington, Walter M., IV, 587  
 Byland, Robert M., IV, 346  
 Byne's Station, I, 202  
 Byrd, Anderson F., III, 277  
 Byrd, John, I, 77  
 Byrd, Roy, III, 560  
 Byrd, William, I, 218  
 Byron, Arthur T., V, 571  
 Byron, William A., V, 148
- Caddell, Marshall C., V, 153  
 Cahokia, I, 178  
 Cain, C. E., III, 515  
 Calaway, Colonel, II, 1040  
 Caldwell County, II, 1101, 1103  
 Caldwell, Isaac, II, 963  
 Caldwell, John, II, 1103  
 Caldwell, John W., V, 619  
 Caldwell, Major, I, 561  
 Caldwell, Robert, I, 270  
 Caldwell, Samuel D., IV, 520  
 Caldwell, William L., Jr., IV, 325  
 Calhoun, II, 899  
 Calhoun, George W., V, 68  
 Calhoun, John C., II, 923, 950; III, 276  
 Call, John W., V, 353  
 Callahan, Patrick H., IV, 99  
 Callahan, Robert E., V, 416  
 Callihan, William R., III, 558  
 Callis, T. B., V, 609  
 Calloway County, II, 593, 1014, 1101, 1103  
 Calloway, William, I, 58  
 Calvin, James M., III, 453  
 Cambron, Charles Z., III, 151  
 Camden, Johnson N., II, 1015, 1086, 1089; III, 66  
 Campaign of 1824, II, 676  
 Campaign of 1836, II, 712  
 Campbell, Adam, V, 595  
 Campbell, Arthur, II, 1207  
 Campbell, Charles, I, 78  
 Campbell, Charles D., V, 528  
 Campbell County, II, 1100, 1103  
 Campbell, Edgar E., III, 523  
 Campbell, Fallen, IV, 620  
 Campbell, Isaac, I, 126  
 Campbell, James, II, 1207  
 Campbell, John, I, 218, 242; II, 1103  
 Campbell, John B., II, 1207  
 Campbell, John M., V, 432  
 Campbell, Joseph B., V, 422  
 Campbell, William B., IV, 180  
 Campbell, William R., III, 191  
 Campbell's Station, I, 202  
 Camp Boone, II, 887  
 Camp Dick Robinson, II, 886, 899  
 Camp Goggin, II, 899  
 Camp Jo Holt, II, 886  
 Camp Knox, I, 202  
 Camp-meeting, I, 538; II, 793  
 Camp Underwood, II, 899  
 Camp Wildcat, II, 899
- Canada, desire to annex, annexation of, I, 549, 567  
 Canada, James F., III, 431  
 Canal, around Falls of Ohio at Louisville, I, 494  
 Canal at Louisville, II, 945  
 Canals, I, 436; II, 695, 721, 722, 726  
 Candler, Charles B., V, 211  
 Candler, W. H., IV, 456  
 Caneer, Milton L., V, 320  
 Cane Ridge Presbyterian Church, I, 539  
 Cane Run, I, 202  
 Cannaday, James C., III, 126  
 Cannon, William L., V, 28  
 Caperton, Hugh J., V, 21  
 Caperton, John, V, 21  
 Caperton, John H., V, 21  
 Caperton, Virginia S., V, 21  
 Capital, permanent, I, 308  
 Capital punishment, I, 313  
 Capitol burned, I, 309; permanent, I, 309; seat of, II, 1006  
 Capitol, Hallway of Old (view), I, 405  
 Capitol, Old (view), I, 404  
 Capitol Log, I, 307  
 Card, Andrew H., V, 503  
 Cardin, A. H., II, 1002  
 Carey, George B., IV, 112  
 Carlisle County, II, 1102, 1103  
 Carlisle, John G., II, 980, 982, 1006, 1085, 1090, 1103  
 Carman, Jesse B., III, 271  
 Carnal, George T., III, 131  
 Carnegie Public Library of Paducah, V, 347  
 Carolina, Clinchfield & Ohio R. R., II, 998  
 Carothers, Thomas P., III, 423  
 Carpenter, Frank C., III, 70  
 Carpenter, Joseph, I, 534  
 Carpenter's Station, I, 202  
 Carr, Frank B., III, 185  
 Carr, John T. M., IV, 134  
 Carr, J. D., IV, 37  
 Carr, T. B., IV, 37  
 Carr, William H., IV, 305  
 Carroll, Charles, II, 1103  
 Carroll County, II, 1101, 1103  
 Carroll, John D., IV, 589  
 Carroll, Tarlton C., IV, 554  
 Carrollton, I, 208  
 Carter, Allen R., III, 145  
 Carter County, I, 117; II, 746, 1101, 1103  
 Carter, Ellerbe W., IV, 18  
 Carter, Herman T., V, 109  
 Carter, James, I, 234  
 Carter, James C., V, 300  
 Carter, James L., III, 47  
 Carter, John B., V, 519  
 Carter, John H., III, 193  
 Carter, John H., Jr., III, 194  
 Carter, John W., III, 220  
 Carter, Joseph C., V, 39  
 Carter, Lillard H., V, 174  
 Carter, Robert, I, 67  
 Carter, William F., IV, 236  
 Carter, William G., II, 1103  
 Cartwright, Peter, I, 538  
 Cartwright's Station, I, 202  
 Caruthers, A. O., III, 435  
 Carver, Charles J. P., V, 308

- Cary, Glover H., IV, 222  
 Cary, Graddy, IV, 55  
 Cary, Remus G., IV, 222  
 Cary, Sydney S., III, 201  
 Casebolt, Solomon B., V, 31  
 Casey County, II, 1101, 1103  
 Casey, William, II, 1103  
 Casey's Station, I, 202  
 Cason, Albert, IV, 283  
 Cassell, George R., IV, 194  
 Cassell, Robert L., III, 299  
 Cassell, William H., IV, 193  
 Cassidy, Clifton W., IV, 515  
 Cassidy, J. Ernest, IV, 132  
 Cassidy, Massillon A., IV, 329  
 Cassidy, Michael, I, 202  
 Cassidy, Thomas D., III, 152  
 Cassidy's Station, I, 202  
 Casteel, Abram, III, 518  
 Castleman, John B., V, 24  
 Cate, James H., IV, 85  
 Catholic Church, I, 535  
 Catholic Parish at Henderson, V, 279  
 Catlett, Colonel, I, 42  
 Catlett, Robert E., V, 572  
 Catlettsburg, II, 733  
 Cato, Charles F., V, 545  
 Catron, William M., IV, 449  
 Cattle, in Blue Grass region, II, 740  
 Cattle shows, II, 740  
 Cave, Edward A., IV, 415  
 Cave Gap, I, 62  
 Caves of Kentucky, II, 1023  
 Cawein, Madison, IV, 643  
 Cawood, Stephen M., V, 517  
 Cawood, William P., IV, 388  
 Caylor, Will H., III, 515  
 Cecil, Charles L., V, 67  
 Centner, Joseph A., IV, 481  
 Central Kentucky, I, 288, 298; II, 958, 965, 969, 982; an ally of Cincinnati, II, 951; early taverns and travelers in, II, 1188  
 Centre College, II, 755, 802  
 Chalmers' Division, II, 1153  
 Chambers, Dawson, II, 1187  
 Chambers, Hugh, III, 552  
 Chambers, John M., IV, 437  
 Champlin, Green H., V, 260  
 Chandler, Frank, IV, 440  
 Chandler, John H., V, 609  
 Chandler, V. O., V, 372  
 Chaney, Robert J., III, 259  
 Chapman, Nathaniel, I, 67  
 Chapman, Virgil M., IV, 331  
 Chappell, John S., III, 442  
 Charitable institutions, II, 779  
 Charters, II, 982  
 Chatteroi, I, 11  
 Chaumiere, I, 524  
 Chenault, Christopher D., III, 75  
 Chenault, Sarah G. H., III, 74  
 Chenault, Mrs. Christopher D., III, 74  
 Chenoweth, James S., IV, 30  
 Cherokee Indians, I, 3, 21, 52, 94, 111, 128, 139; treaty of 1770, I, 54; treaty of 1805, I, 55; treaty of 1775, I, 163  
 Cherokee River, I, 12  
 Chesapeake & Ohio Railroad, II, 733, 998  
 Chew, Colby, I, 58, 97  
 Chickasaw, treaty of 1805, I, 55  
 Chickasaws, II, 592  
 Chief Charles Blue-Jacket, I, 120  
 Childers, Joel E., V, 187  
 Childress, Flemmon, III, 480  
 Childress, William J., V, 208  
 Child labor, II, 993  
 Chiles, Landon T., IV, 601  
 Chilton, John B., III, 417  
 Chinn, Asa C., III, 175  
 Chipman, Noah B., V, 219  
 Choctaw Academy, II, 783  
 Cholera, II, 750, 752, 769, 1078  
 Christian Church, I, 540  
 Christian County, II, 1100, 1103  
 Christian, George, IV, 20  
 Christian, James W., III, 260  
 Christian, Mary K., III, 262  
 Christian, William, II, 1103  
 Churches, I, 526, 534; after Great Revival, I, 540; and slavery, I, 542; II, 794  
 Church schisms, I, 539  
 Church schools, II, 755  
 Churchill, James H., V, 108  
 Cincinnati and the Southern Trade, II, 937; during Civil War, II, 939; bond issue for building railroad at, II, 955  
 Cincinnati & Chattanooga Railroad, II, 985  
 Cincinnati, Lexington & East Tennessee Railroad, II, 952  
 Cincinnati Short Line, II, 943  
 Cincinnati Southern Railroad, II, 734, 738, 919, 948, 998; rights-of-way, II, 960; resolutions for, II, 971; in Congress, II, 973; construction of, II, 983  
 Cincinnati Southern Railroad bill, II, 962; vote on (schedule), II, 974; bill passed, II, 982  
 Circuit Courts, I, 480  
 City Bonds for Railroad building, II, 954  
 City Library, Lexington (view), II, 994; city schools of Dawson Springs, V, 510  
 Civic Pride, I, 527  
 Civil Liberty, II, 1061  
 Civil Rights Bill, II, 912  
 Civil War period, II, 853; commerce of Kentucky during, II, 868; Kentucky's geographic position in, II, 864; division of sympathy in Kentucky, II, 874; military measures, II, 885; Union camps, II, 886; battles in Kentucky, II, 888; arrests for disloyalty, II, 889; local disorders, II, 895; military movements in Kentucky, II, 899; Confederate organizations and guerillas, II, 903; effects of, II, 906; effect on trade relations, II, 923; list of battles in Kentucky, II, 1155; officers from Kentucky in, II, 1114  
 Claggett, Charles E., III, 441  
 Claiborne, James J., IV, 45  
 Clark, Champ, II, 894, 1059  
 Clark County, I, 74, 408; II, 1021, 1100, 1105, 1169  
 Clark, Daniel, I, 437  
 Clark, Edsell, IV, 477  
 Clark, Edward, III, 150  
 Clark, Francis, I, 535  
 Clark, Frank S., III, 58  
 Clark, George M., III, 391

- Clark, George Rogers, I, 34, 169, 170, 173, 175, 182, 185, 193, 215, 218, 222, 276, 277, 292, 323, 324, 333, 342, 559; campaign of 1778-79, I, 176; and the French Enterprise, I, 325; (portrait) I, 326; expedition against Spain, I, 336; and Louisiana Expedition, I, 361; II, 1044, 1050, 1105; V, 626
- Clark, George T., V, 254
- Clark, James, II, 623, 712, 763, 803, 1071, 1074
- Clark, James, Jr., IV, 61
- Clark, James B., V, 596
- Clark, John, Cabin (view) I, 313
- Clark, John W., V, 137
- Clark, Reuben M., IV, 165
- Clark, Robert L., III, 98
- Clark, Roy P., V, 34
- Clark, Thomas L., III, 594
- Clark, William, I, 387
- Clark, William C., V, 156
- Clark, William E., III, 325
- Clark, William F., IV, 223
- Clark's Station, I, 202
- Clarke, Beverly L., II, 846
- Clarke, Ernest S., III, 465
- Clarke, Frank H., III, 203
- Clarke, Marcus J., IV, 361
- Clarke, Robert, I, 234
- Clay, Cassius M., II, 810, 812, 813, 819, 826, 843, 1006, 1059; V, 276
- Clay, Cassius M., Jr., II, 1005
- Clay, Charles D., III, 10
- Clay, Charlton A., V, 274
- Clay County, II, 746, 1101, 1105
- Clay, Ezekiel F., III, 56
- Clay Family, III, 4
- Clay, George H., III, 10
- Clay, Green, I, 270, 558, 559; II, 1105; V, 626
- Clay, Henry I, 214, 430, 438, 447, 455, 461, 463, 476, 478, 512, 523, 542, 547, 549, 553, 566, 568; II, 580, 583, 587, 615, 620, 629, 650, 660, 663, 664, 674, 677, 698, 718, 722, 730, 732, 755, 796, 803, 814, 823, 828, 830, 839, 843, 1053, 1082, 1090, 1190; on slavery, I, 394; on Federal affairs I, 410; Kentucky's favorite son, II, 676; secures election of J. Q. Adams, II, 678; return to Kentucky, II, 680; and Adams party, II, 683; in campaign of 1828, II, 684; tariff champion, II, 693; election to Senate, II, 701; and the Whig Party, II, 717; and Tyler, II, 718; letter to Richard Pindell, II, 813, 814; attitude on the Texas question, II, 824; death of, II, 841; influence on political opinion in Kentucky, II, 1061; (portraits), II, 1062; home of (view), II, 1064; defense of Jefferson, II, 1065; III, 4
- Clay, Henry ("Harry"), III, 8
- Clay (The Henry) Fire Insurance Company, IV, 204
- Clay, James B., II, 811, 889; III, 6
- Clay, Capt. James B., III, 8
- Clay, John M., III, 314
- Clay, Lucretia H., III, 5
- Clay, Miss Lucretia H., III, 9
- Clay, Mrs. Henry, I, 68
- Clay, Mrs. John M., IV, 314
- Clay Monument (Henry), (view), II, 840
- Clay, Samuel, II, 1186
- Clay, Susan M. J., III, 7
- Clay, Thomas J., III, 10
- Clay, William R., V, 296
- Claypool, Roy, V, 474
- Clayton, Alexander A., IV, 512
- Clear's Station, I, 202
- Cleaver, Thomas F., V, 119
- Clements, Gerald S., IV, 248
- Clements, LaVega, IV, 248
- Clements, Martin J., III, 187
- Clemmons, Rankin, IV, 124
- Cleveland, Fannie, III, 189
- Cleveland, George, III, 339
- Cleveland, Horace W., III, 189
- Clinch River, I, 6, 59, 95
- Cline, Harry E., III, 284
- Cline, Henry, IV, 177
- Cline, H. M., III, 524
- Cline, John S., V, 36
- Clines, Thomas D., IV, 19
- Clinton County, I, 55; II, 1101, 1105
- Clinton, DeWitt, II, 1105
- Cloud, H. D., III, 173
- Clutts, George A., V, 527
- Coal, I, 63, 74, 96; II, 746, 920, 924, 997
- Coal Field, Eastern, II, 1025; Western, II, 1022, 1028
- Coal mines, II, 999
- Coal mining, II, 998
- Coals River, I, 48
- Coates, Thomas J., III, 246
- Cobb, Irvin S., IV, 496
- Cobb, Richard, IV, 427
- Coburn, John, I, 234
- Cochran, Andrew M. J., III, 590
- Cochran, Horace J., III, 584
- Cochran, Raymond A., III, 214
- Cochran, Robert A., III, 590
- Cochran, Robert A., Sr., III, 588
- Cochran, Sam P., IV, 624
- Cochran, Thomas H., III, 482
- Cochran, William D., III, 607
- Cockrell, Laban B., IV, 292
- Code Duello, I, 478
- Code, penal, I, 314
- Coffman, Edward F., V, 512
- Coffman, Edward K., III, 148
- Cognets, Louis des, IV, 127
- Coil, Thomas L., V, 494
- Coil, W. D., IV, 621
- Coit, Thomas W., II, 1058
- Colbert, Richard J., IV, 170
- Cole, Andrew E., V, 154
- Cole, Charles D., V, 501
- Cole, Jack, V, 154
- Cole, James O., IV, 504
- Coleman, Clarence T., V, 184
- Coleman, John, Sr., IV, 357
- Coleman, Robert M., III, 353
- Coleman, Thomas C., V, 154
- Coleman, Thomas H., V, 295
- Coleman, William H., IV, 357
- Coleman, W. L., V, 581
- Collier, D. Grant, III, 241
- Collings, John H., V, 412
- Collins, Harry M., III, 470
- Collins, John T., II, 1184
- Collins, J. Walter, V, 485

- Collins, Lewis, II, 770; V, 625  
 Collins, Marshall M., IV, 595  
 Collins, Richard H., II, 770; V, 625  
 Collins, Robert L., IV, 515  
 Collins' Station, I, 202  
 Colson, D. G., II, 1207  
 Columbus, II, 874, 875, 887, 899; seized by Confederates, II, 858  
 Colville, Hugh P., IV, 470  
 Combs, Ballard F., IV, 463  
 Combs, James F., IV, 554  
 Combs, John C. B., IV, 164  
 Combs, Leslie, II, 730, 751, 822, 829, 843, 852; III, 20  
 Combs, M. E., III, 522  
 Combs, Stephen, Jr., V, 553  
 Combs, Thomas A., IV, 199  
 Combs, Waller G., III, 259  
 Commerce with New Orleans, I, 246  
 Commerce with outside regions, I, 301; in 1800, I, 499; of state, direction of, II, 743; in slaves, II, 797; and commercial restrictions in war times, II, 868  
 Commercial conventions, II, 925  
 Commercial relations between the Ohio Valley and the South, II, 922  
 Commercial traveler, II, 924  
 Commes (Mrs.) William, I, 304  
 Common schools, I, 529; II, 753, 757, 761, 989  
 Common school system, beginning of, II, 766  
 Communication, I, 297  
 Compromise of 1850, II, 839, 842, 844  
 Compromise tariff, II, 705  
 Compulsory Education Law, II, 989  
 Comstock, L. E., III, 606  
 Concord Presbyterian Church, I, 539  
 Conestoga wagons, II, 1190  
 Confederate Army, general officers in, from Kentucky, II, 1144  
 Confederate camps and recruiting stations, II, 887; element, II, 1001; forces in Kentucky, II, 901  
 Confederate General and staff officers appointed from Kentucky, II, 1145  
 Confederate Kentucky, II, 888  
 Confederate script, II, 877  
 Confederate States Army, Kentucky, II, 1144  
 Confederate soldiers after the war, II, 908  
 Confederate sympathizers, II, 874  
 Confederate trade policy, II, 871  
 Confederates, former, return to leadership, II, 910  
 Congleton, Conley, IV, 25  
 Congleton, Lee, IV, 25  
 Congleton, W. T., V, 290  
 Conley, Constantine, Jr., III, 50  
 Conley, Henry C. H., IV, 566  
 Conley, Milton F., IV, 579  
 Conley, Frank J., V, 402  
 Connelly, Harmon, I, 149  
 Connelly, Henry, III, 49  
 Connelly, Capt. Henry, III, 49  
 Connelly, Thomas, III, 49  
 Connelly, Thomas (2), III, 49  
 Connelley, William E., III, 48  
 Connolly, Frank A., IV, 447  
 Connolly, John, I, 162, 218, 271  
 Connolly, William H., IV, 446  
 Connolly, Winston M., IV, 446  
 Connor, Charles W., V, 433  
 Consensus of opinion, I, 227  
 Constitution and The Union, I, 279  
 Constitution, First, I, 282; makers of, I, 284; put into operation, I, 307; Second, I, 390; supremacy of, II, 635; Third, II, 821; new, II, 842; Fourth, II, 1004  
 Constitution of 1849 on Slavery, II, 817  
 Constitution of 1850, II, 1004  
 Constitutional Convention, I, 278, 280, 400; II, 767, 813, 832, 1004; vote on, I, 394  
 Constitutional reform, I, 399  
 Constitutional Union party, II, 852  
 Conventions of 1785, members of, I, 234; of 1788, I, 256; of November, 1788, I, 264; Eighth, I, 274; Ninth, I, 278; for separate state, I, 226; Statehood, Eighth and Ninth, I, 269  
 Conway, John W., III, 195  
 Conway, Robert H., V, 612  
 Conway, Will F., IV, 301  
 Conyers, Ottis, V, 229  
 Cook, G. M., V, 604  
 Cook, John M., V, 556  
 Cook, Robert A., IV, 110  
 Cook, William I., IV, 100  
 Cook, William N., IV, 495  
 Cooke, Isaac B., IV, 571  
 Cool, William, II, 1035  
 Cooley, Harry N., IV, 464  
 Coombs, Samuel, V, 394  
 Coons, Elijah, IV, 579  
 Cooper, Damon M., IV, 240  
 Cooper, James H., III, 302  
 Cooper, M. Lindsey, IV, 342  
 Cooper, Mrs. Wallace, III, 294  
 Cooper's Station, I, 202  
 Cooperative tobacco marketing, II, 1171, 1183  
 Coppin, William, III, 99  
 Corbin, Abraham F., Jr., IV, 199  
 Corbin, Joshua M., IV, 197  
 Cord, R. I., III, 427  
 Cornett, Arthur B., V, 227  
 Cornett, William M., V, 307  
 Corn Island, I, 202; (view), I, 203  
 Cornstalk, I, 118  
 Corum, George T., IV, 236  
 Corwin, Thomas, I, 296  
 Corwin, Tom, II, 845  
 Cosby, George B., II, 1144  
 Cottingham, Carl P., III, 152  
 Cotton, II, 922  
 Cotton factory, I, 501  
 Cotton, machine for spinning, I, 503  
 Cottrell, Guy J., IV, 482  
 Coulter, Donald L., V, 271  
 Coulter, Ellis M., III, 606  
 Counties of Western Virginia, I, 216  
 Counties, named for Virginians, I, 294; new, I, 290; at statehood, I, 292; in 1800, I, 489; organized, II, 1099; for whom named, II, 1102  
 Country party, I, 261  
 Country schools, I, 530; II, 756  
 Counts, John W., IV, 598  
 County Board of Education of Harlan County, V, 517  
 County Court, I, 216

- County Court Day, II, 791  
 County of Kentucky, I, 171  
 County organization unit of local government courts, I, 216  
 County roads, I, 492  
 Courier-Journal, II, 197  
 Court of Appeals, I, 310, 400, 458, 480, 626, 628, 642; impeachment of, I, 311; attacks on, I, 482; bill to abolish, II, 631; reorganization act, II, 631, 646, 652, 670, 836, 1005, 1010  
 Court Party, I, 261  
 Court procedure, I, 479  
 Court question settled, II, 647  
 Court of Land Claims, I, 215  
 Court of Oyer and Terminer, I, 311  
 Court of Quarter Sessions, I, 216  
 Courtney, William H., III, 197  
 Courts, I, 547; II, 615, 623; unpopularity of, I, 480; effort to control, II, 628; and state rights, II, 650; under Third Constitution, II, 836; negro testimony in, II, 913  
 Courts of Freedman's Bureau, II, 913  
 Covington, II, 734, 745, 944, 975  
 Cowan, Andrew, IV, 105  
 Cowan, Gilbert S., IV, 106  
 Cowan, John, II, 1050  
 Cowand, Henry D., V, 391  
 Cox, Attila, Jr., III, 379  
 Cox, Attila, Sr., III, 378  
 Cox, Harry L., IV, 636  
 Cox, Harry S., III, 140  
 Cox, Henry M., IV, 448  
 Cox, Hugh R., IV, 417  
 Cox, Isaac, I, 234  
 Cox, Jacob L., V, 352  
 Cox, Leonard G., IV, 184  
 Cox, Leonard M., III, 379  
 Cox, Robert L., IV, 431  
 Cox, Samuel A., IV, 408  
 Cox's Station, I, 202  
 Coyle, Maurice D., III, 419  
 Cozine, Benjamin B., V, 25  
 Cozine, John P., V, 25  
 Crab Orchard, I, 184, 203, 298, 490; II, 1047  
 Crabbe, J. G., II, 990  
 Craddock, J. D., II, 1187  
 Craddock, John D., IV, 518  
 Craft, B. Martin, IV, 402  
 Crafton, Robert F., III, 269  
 Craig, A. W., IV, 224  
 Craig, Con W., III, 504  
 Craig, Elijah, I, 306, 493  
 Craig, Frank B., V, 140  
 Craig, Jerry, I, 195  
 Craig, John, I, 234  
 Craig, Lewis, I, 289  
 Craig's Station, I, 203  
 Craik, Henry N., III, 462  
 Crain, Charles M., IV, 640  
 Cramer, Harry C., III, 172  
 Cramer, Willard S., IV, 160  
 Crammond, William D., IV, 304  
 Crane, George W., V, 149  
 Cravens, Timoleon B., V, 128  
 Crawford, Hugh, I, 72  
 Crawford, John F., III, 110  
 Crawford, William W., IV, 77  
 Craycraft, Fred, IV, 216  
 Creal, Charles F., III, 318  
 Creal, Edward W., III, 374  
 Creighton, George R., III, 221  
 Crenshaw, Annie, III, 386  
 Crenshaw, Burnie F., III, 386  
 Crenshaw, John W., V, 51  
 Crenshaw, Robert, V, 386  
 Cresap, Thomas, I, 67, 69  
 Cress, John M., IV, 423  
 Cress, William R., III, 477  
 Crew's Station, I, 203  
 Crick, William W., V, 376  
 Crim, Frank, V, 8  
 Crim, Mary H., V, 8  
 Crime, II, 994  
 Criminal code, II, 782  
 Criminal code, new, I, 314  
 Criminal laws, I, 312  
 Crimm, Benjamin F., IV, 131  
 Crittenden County, II, 1102, 1105  
 Crittenden, George B., II, 1144, 1202  
 Crittenden, John J., I, 520, 561; II, 587, 610, 622, 637, 711, 712, 717, 732, 762, 771, 823, 828, 831, 833, 838, 854, 1050, 1071, 1076, 1083, 1091, 1105  
 Crittenden, William L., II, 786  
 Crockett, Joseph, I, 261, 264, 303  
 Croghan, George, I, 51, 69, 559  
 Crooks, Samuel O., V, 643  
 Crosby, Benjamin G., V, 630  
 Crosby, David A., IV, 289  
 Cross, Dara E., III, 140  
 Cross, Henry C., V, 506  
 Cross Keys Inn, near Shelbyville (view), II, 1195  
 Crosthwait, William T., IV, 408  
 Crouch, Samuel E., V, 515  
 Crow, Aubrey F., V, 445  
 Crowdus, A. S., III, 514  
 Crowe, John M., IV, 327  
 Crow's Station, I, 203  
 Cruse, George C., IV, 431  
 Crutcher, Mary, V, 287  
 Cuba, II, 785  
 Cuban Independence, II, 786  
 Culver, J. M., V, 279  
 Cumberland College, II, 756  
 Cumberland County, I, 55; II, 746, 1100, 1105  
 Cumberland Ford, I, 60  
 Cumberland Gap, I, 7, 60, 160, 161, 288, 379; II, 708, 726, 742, 1203; (view), II, 1198; in the Civil War, II, 1201  
 Cumberland Gap Region, manners and customs of the people, II, 1197  
 Cumberland Gap Road, I, 489, 490, 492  
 Cumberland, Maryland, I, 67  
 Cumberland Mountain, I, 7, 115  
 Cumberland Road, II, 696  
 Cumberland Presbyterian branch, I, 540  
 Cumberland River, I, 7; II, 868, 876, 1039  
 Cummings, James F., V, 370  
 Cummins, Thomas W., III, 405  
 Cunagim, William, III, 242  
 Cundiff, Lewis W., V, 300  
 Curd, John C., III, 388  
 Curlin, Charles W., III, 489  
 Currency, I, 511  
 Curry, Lathey E., V, 426  
 Curry, Nathaniel L., V, 349  
 Curtis, Henry E., IV, 150  
 Curtis, William T., V, 484  
 Curtis' Station, I, 203

- Cuttawa River, I, 73  
 Cynthiana, II, 734, 745, 746, 893, 903, 1194
- Dabney, James P., III, 423  
 Dabney, Thomas C., V, 388  
 Dabolt, Fred P., III, 85  
 Daily, Henry J., V, 561  
 Daingerfield, Bessie P., V, 27  
 Daingerfield, Elizabeth, V, 26  
 Daingerfield, Foxhall A., V, 26  
 Dale, George L., IV, 109  
 Dale, William P., IV, 24  
 Dalton, Wesley P., IV, 108  
 Damon, C. C., IV, 544  
 Damon, William F., IV, 507  
 Danforth, George L., IV, 5  
 Daniel Boone Monument (view), I, 491; II, 1045  
 Daniel, Dewey, IV, 592  
 Daniel, Green V., IV, 436  
 Danville, I, 203, 227, 289, 296, 298, 309, 501, 533, 535; II, 734, 755, 781, 901, 918, 969  
 Danville Academy, II, 755  
 Danville convention, address to people, I, 229  
 Danville conventions, I, 227  
 Danville, Fourth convention, I, 237  
 Danville Political Club, I, 254, 280, 284, 303, 378; II, 635  
 "Dark and Bloody Ground," I, 1  
 Darnall, Paul D., III, 590  
 Dartmouth College case, I, 512  
 Darwinian theory, II, 993  
 Dasher, George F., III, 525  
 Daugherty, Charles G., V, 171  
 Daugherty, Frank E., IV, 498  
 Davenport, Edward, III, 408  
 Davidge, Razin, II, 646  
 Davidge, R. H., II, 631  
 Davidson, Harry A., IV, 234  
 Davidson, Robert, II, 1058  
 Daviess County, I, 455; II, 746, 1101, 1105  
 Daviess, Joseph H., I, 443, 444, 446, 447, 458, 473, 548; career after Burr trial, I, 455; II, 1061, 1105  
 Daviess' Station, I, 203  
 Davis, Amplias W., V, 306  
 Davis, Brinton B., IV, 26  
 Davis, C. T., III, 217  
 Davis, E. O., V, 327  
 Davis, Garrett, II, 817, 823, 837, 856, 914, 970, 975, 977, 978, 1084, 1091  
 Davis, George R., IV, 215  
 Davis, George W., IV, 215  
 Davis, Guy, V, 439  
 Davis, James S., II, 819  
 Davis, Jefferson, II, 656, 1059; (portraits), II, 857; birthplace of (view), II, 886  
 Davis, John B., IV, 144  
 Davis, John D., V, 232  
 Davis, John W., IV, 404  
 Davis, Luther H., IV, 11  
 Davis, Martha R., IV, 329  
 Davis, Morris M., III, 135  
 Davis Station, I, 203  
 Davis, William L., IV, 10  
 Davis, William T., V, 499  
 Dawson, Charles L., IV, 328  
 Dawson, George W., IV, 213  
 Dawson, Joseph R., V, 559  
 Dawson, William D., III, 431  
 Day, Douglas I., V, 636  
 Day, Isaac N., V, 492  
 Day, James E., V, 495  
 Day, Melzi M., V, 495  
 Dean, John A., III, 315  
 Dean, Silas, I, 167  
 Deboe, William J., II, 1007, 1085, 1091  
 DeBord, James T. S., V, 274  
 DeBord, Samuel J., V, 500  
 DeBord, William M., V, 507  
 Debt, imprisonment for, II, 614  
 Debtors, relief laws, II, 608  
 Debts, postponement of, II, 609  
 Degeneracy, II, 1022  
 Deglow, Adolphus A., IV, 308  
 Deibel, Henry, V, 528  
 De Jarnette, A. G., V, 222  
 Delaney, Ida M., IV, 472  
 Delany's Ferry, I, 309  
 Delaware Indians, I, 17; history of, I, 22  
 Democratic clubs, I, 318  
 Democratic party, in the West, I, 472; triumphs of 1856, II, 849  
 Democratic societies, I, 346  
 Democratic Society at Lexington, I, 330  
 Democratic Society of Bourbon County, I, 391  
 Democratic Society of Kentucky, I, 321, 333  
 Democratic Union Conservatives, II, 915, 916  
 Democrats, II, 692, 716, 908, 1000, 1014; in control in 1865, II, 909  
 Democrats State Convention of 1830, II, 700  
 Democracy of the frontier, I, 315  
 Dempsey, Lewis, V, 568  
 Denham, Benjamin F., V, 119  
 Denhardt, William J., IV, 634  
 Dennert, Henry, V, 384  
 Denney, J. C., V, 431  
 Denny, Coleman P., IV, 506  
 Denominational schools, II, 756  
 Denton, Albert S., III, 120  
 Denton, Dudley E., V, 192  
 Denton, Harry M., III, 73  
 Denton, J. Frank, III, 463  
 Denton, John T., III, 397  
 Department of Geology and Forestry, II, 1034  
 De Pauw, Charles, I, 329  
 Depp, Candor G., IV, 603  
 Desha, Joseph, I, 561; II, 622, 629, 630, 655, 670, 722, 760, 772, 887, 1071, 1074  
 Development, by pioneers, I, 212; of 1775-1792, I, 297; during the Middle Period, II, 739; affected by slavery, II, 796  
 Devenny, Thomas, V, 298  
 Dicken, William A., IV, 503  
 Dickens, Charles, II, 791  
 Dickenson, Luther T., IV, 569  
 Dickson, Emmett M., IV, 41  
 Dickson, Henry, I, 128, 148  
 Dillard, Ryland T., II, 764  
 Dineen, Mary, IV, 369  
 Dineen, Michael, IV, 368  
 Dingus, William, V, 448  
 Dinwiddie, Robert, I, 67  
 Disasters, II, 993

- Discovery and exploration of the Ohio country, I, 40  
Discriminations in rate-makings, II, 934  
Disease, II, 750, 993  
Dishman, S. B., V, 423  
Disloyal element, II, 898  
Distillery business, II, 988  
Distilling, I, 503  
District courts, I, 311  
District of Kentucky, I, 216, 226, 252  
Divorce bills, II, 834  
Divorces, II, 836  
Dixon, Archibald, II, 735, 842, 844, 1082, 1091; V, 362  
Dixon, Archibald, M. D., V, 364  
Dixon, H. E., IV, 572  
Dixon, Lee O., V, 479  
Dixon, Robert, V, 575  
Dixon, Robert W., III, 351  
Dixon, Wiley L., V, 447  
Doak, Edward H., IV, 119  
Dobbs, Arthur, I, 67  
Dodge, David M., IV, 289  
Dodge, James L., IV, 289  
Dodge, Le Vant, III, 253  
Dodson, Alma, III, 585  
Dodson, Ernest U., III, 407  
Dodson, George A., III, 585  
Dodson, George, Sr., III, 585  
Dodson, Marcus A., V, 11  
Dodson, Omar, III, 584  
Dodson, Walter C., IV, 130  
Dolan, John, IV, 196  
Donelson, John, I, 54  
Doniphan, Joseph, I, 304  
Donnelly, Thomas F., III, 132  
Dooley, Eli B., V, 315  
Doom, Ben W., V, 439  
Dorsey, John L., III, 266  
Dorsey, William I., III, 598  
Dossett, James A., V, 322  
Dougherty's Station, I, 203  
Douglas, Jessamine, II, 1107  
Douglas, Stephen A., II, 844, 852  
Doup, Daniel, V, 628  
Douthitt, Joseph, III, 333  
Dover Station, I, 203  
Dowdall's Station, I, 203  
Dowdy, Charles L., III, 430  
Downey, Jesse B., V, 265  
Downing, Joseph M., III, 293  
Downing's Station, I, 203  
Doyle, Arthur L., III, 469  
Drake, Daniel, II, 1053, 1056  
Drake, Ernest B., III, 450  
Drake, Frank P., IV, 116  
Drake, John E., V, 215  
Drake, William D., IV, 118  
Drane, Merritt, IV, 6  
Draper Collection, I, 98  
Draper Family, I, 75  
Draper, George, I, 75  
Draper, John, I, 78, 91  
Draper, Mary, I, 58, 78, 92  
Draper's Meadows settlement, I, 57, 75, 77, 94  
Dred Scott Decision, II, 852  
Drennon's Lick, I, 203  
Drennon Springs, II, 792  
Dreville, Jules M., IV, 428  
Drinking, I, 536; II, 788  
Drummond, Edwin M., IV, 211  
Drury, George L., III, 187  
Drury, William T., III, 160  
Ducker, Howard E., V, 220  
Duckworth, Alvin F., V, 142  
Dudley, Ambrose, II, 1051  
Dudley, Benjamin W., II, 751, 1051, 1053, 1056, 1059; V, 627  
Dudley, Robert L., V, 541  
Dueling, I, 478, 536; II, 774, 836, 1054  
Duffield, Will W., IV, 158  
Duffin, James R., IV, 35  
Duke, Basil W., II, 960, 965, 1144; (portrait), II, 1149; V, 623  
Duke, John W., V, 612  
Dulin, Martin V., V, 141  
Dunbar, Adelm, III, 460  
Dunbar, William H., V, 55  
Duncan, Henry T., IV, 209  
Duncan, Howard L., IV, 209  
Duncan, Stuart E., V, 562  
Dunkards, I, 58  
Dunkie, Joseph B., III, 212  
Dunlap, Ernest, III, 566  
Dunlap, Woodford G., III, 223  
Dunmore's War, I, 162  
Dunn, Isaac, I, 272  
Durbin, A. M., IV, 164  
Durham, Benjamin J., IV, 265  
Durham, James E., V, 72  
Durham, John H., III, 596  
Durham, William A., IV, 286  
Durrett Collection, II, 779  
Durrett, Reuben T., II, 889  
Dutch Station, I, 203  
Dutton, J. Frank, IV, 455  
Duval, Alvin, II, 911  
Duval, B. H., II, 821  
Du Vall, William N., V, 263  
Duvall, William P., I, 552, 553  
Dycus, Walter G., III, 599  
Eades, Nathan W., III, 439  
Eads, John B., III, 78  
Eagles, William B., IV, 33  
Eals, Charles T., IV, 306  
Earle, Dudley H., V, 509  
Earley, H. Lee, II, 1186  
Early homes, I, 295  
Early, James L., III, 349  
Early settlements, I, 200; II, 1040  
Eastern Kentucky coal field, II, 1025  
Eastern Kentucky, extinction of Indian title, I, 54; first settlers in, I, 148; first settlement, I, 154; timber resources, II, 747; invaded in 1861, II, 858; lands and people, II, 1026; politics, II, 1027; Union sentiment, II, 1204; settlers of, II, 1205; prominent men of, II, 1206  
Eastern Kentucky State Normal School, III, 247  
Eastern limits of Kentucky, I, 516  
Eastham, Paul H., III, 577  
Eastwood, Roscoe, V, 376  
Eblen, Marvin D., III, 268  
Eckler, C. A., V, 233  
Eckler, Charles M., V, 399  
Economic conditions, I, 245; II, 859  
Economic development, I, 424; during economic progress, II, 995; during Middle Period, II, 739  
Economic system after Civil war, II, 924  
Edelen, Allen S., V, 325

- Edelen, Thomas L., V, 160  
 Edge, Joseph A., III, 384  
 Editors' Convention, II, 773  
 Edmonson County, II, 1024, 1101, 1105  
 Edmondson, John, II, 1105  
 Edmunds, John T., IV, 364  
 Education, I, 174, 303, 528; higher, I, 304; classical, I, 531; II, 920, 989, 1049; free, II, 584; sectarian, II, 755; of the masses, II, 756, 784, 834; Federal aid to, II, 759  
 Educational advancement during Middle Period, II, 753  
 Educational awakening, II, 990  
 Educational conditions in 1830, II, 761  
 Educational fund, II, 837, 989  
 Educational System of 1838, II, 764  
 Edwards, Augustus G., III, 426  
 Edwards, Ben F., III, 245  
 Edwards, Don C., V, 298  
 Edwards, George W., IV, 264  
 Edwards, John, I, 234, 349; II, 1082, 1092  
 Edwards, John E., III, 258  
 Edwards, O. M., Jr., IV, 176  
 Eaton, William, I, 440  
 Egelston, Benjamin F., V, 242  
 Eighteenth Amendment, II, 992  
 Eighteenth Regiment Infantry Officers, Eighth Regiment Cavalry officers, II, 1138  
 Eighth Regiment Infantry officers, II, 1121  
 Elam, Shelby S., IV, 553  
 Election, corruption, I, 274  
 Election law, II, 1008  
 Elections, property and religious qualifications in, I, 280; balloting in, I, 477; of 1812, I, 552; of 1813, I, 562; of 1820, II, 629; of 1824, II, 629; of 1825, II, 639; of 1826, II, 644; of 1828, II, 682; of 1832, II, 701; of 1834, II, 712; of 1837, II, 716; of 1838, II, 716; of 1840, II, 716; betting on, II, 778; of 1844, II, 823; of 1848, II, 831; reform of, II, 834, 837; of 1851, II, 842; of 1852, II, 844; of 1855, II, 847; of 1856, II, 849; of 1857, II, 849; of 1859, II, 850; of 1860, II, 852; of 1861, II, 858; in war times, II, 890, 896; of 1861, II, 887; of 1863, II, 897; of 1864, II, 897; of 1865, II, 908; of 1866, II, 911, 914; of 1867, II, 914; of 1868, II, 916; of 1869, II, 917; of 1870, II, 918; of 1871, II, 919, 980; of 1875, II, 1000; in the '80s, II, 1002; of 1895, II, 1006; of 1896, II, 1008; of 1899, II, 1009; of 1900, II, 1012; recent, II, 1015; of 1828, II, 1067; of 1831, II, 1067  
 Elephant in Lexington, I, 532  
 Eleventh Regiment Cavalry officers, II, 1140  
 Eleventh Regiment Infantry officers, II, 1122  
 Elijah Craig's Station, I, 203  
 Elizabethtown, II, 893  
 Elk, I, 63  
 Elk Ford of Red River, I, 203  
 Elkhorn Baptist Association, I, 540  
 Elkhorn District, II, 1020  
 Ellicott, Andrew, I, 369  
 Elliott, Chilton W., V, 7  
 Elliott County, II, 1102, 1105  
 Elliott, Elmer C., IV, 305  
 Elliott, James N., IV, 199  
 Elliott, John B., III, 181  
 Elliott, John M., II, 1105  
 Elliott, Richard G., III, 288  
 Ellis, Charles H., III, 142  
 Ellis, Ernest B., III, 153  
 Ellis, James W., III, 306  
 Ellis, Louis, IV, 49  
 Ellis, Nicholas H., V, 224  
 Ellis, O. C., II, 1186  
 Ellis, P. V., V, 65  
 Ellis' Station, I, 203  
 Ellis, Thomas M., V, 247  
 Ellis, William, I, 289  
 Ellis, William T., III, 316  
 Ellison, E. T., III, 545  
 Elsey, Charles W., III, 68  
 Elswick, Landen A., IV, 406  
 Elswick, Sam, V, 444  
 Ely, Joe, V, 46  
 Emancipation, I, 394; II, 798, 800, 802  
 Emancipation convention, II, 814  
 Emancipation movement, climax, II, 813  
 Emancipation party, II, 818  
 Emancipation Proclamation, II, 906  
 Emancipation society, II, 810  
 Emancipation ticket, II, 843  
 Emancipationists, II, 833  
 Embargo Act, I, 405, 545; II, 1065  
 Embry, Foster H., III, 156  
 Embry, George E., III, 491  
 Embry, Nannie J., III, 605  
 Emert, Gustavus, V, 583  
 Emery, Lorenzo W., IV, 499  
 Emigration from Kentucky, II, 671  
 Emigration societies, I, 486  
 Emigrants to Texas, II, 821  
 Emmart, Joseph M., V, 619  
 Employers' Liability Act, II, 999  
 Enabling act, third, I, 273; fourth, I, 274, 278  
 Enfranchisement of negroes, II, 917  
 England, hatred of, in Kentucky, I, 358; dislike of, II, 1064  
 Engle, William, V, 590  
 English common law, I, 229  
 English, John M., III, 343  
 English-made goods, II, 594  
 English's Station, I, 203  
 Enlow, Louise, IV, 149  
 Ennis, William F., V, 474  
 Epidemics, II, 749, 769  
 Episcopal Church, I, 535; (view), II, 793  
 Equality and democracy, I, 280  
 Era of Good Feeling, II, 581, 674  
 Erie Canal, II, 922  
 Ermert, Carl, IV, 219  
 Ernst, Richard P., II, 1015, 1086, 1092  
 Eskridge, Jesse R., III, 350  
 Estill County, II, 1101, 1105  
 Estill, defeat of, I, 184  
 Estill, James, I, 184; II, 1105  
 Estill, William R., IV, 95  
 Estill, William W., IV, 190  
 Estill's Station, I, 203  
 Eubank, James B., III, 356  
 Eubank, Roderick M., III, 400  
 Eubank, William Z., V, 303  
 Evans, Byrne A., III, 540  
 Evans, Charles O., III, 54  
 Evans, Clarence G., IV, 371



- Evans, Cornelius L., IV, 430  
 Evans, Dorothy, IV, 279  
 Evans, Frank R., III, 108  
 Evans, James O., V, 420  
 Evans, James R., IV, 278  
 Evans, L. S., IV, 450  
 Evans, Thomas D., V, 250  
 Evans, Walter, II, 1002  
 Eveleth, Charles E., IV, 140  
 Evening school, I, 531  
 Everly, George L., V, 635  
 Eversole, Farmer J., IV, 522  
 Eversole, Henry C., IV, 441  
 Eversole, John C., V, 632  
 Eversole, William C., IV, 510  
 Evolution, II, 993  
 Ewalt, Joseph H., III, 487  
 Ewen, William R., III, 313  
 Ewing, Benjamin F., III, 71  
 Ewing, John H., V, 583  
 Ewing, Samuel R., IV, 130  
 Ewing, William M., V, 560  
 Ewing, Young, II, 642  
 Excise taxes, I, 405  
 Expatriation Act, II, 909, 910  
 Expatriation law, II, 890  
 Expedition of 1650, I, 41  
 Exploration by Christopher Gist, I, 67  
 Exploration of Dr. Thomas Walker, I, 57  
 Ezzell, William E., V, 614  
  
 Factories in 1810, I, 505  
 Fairchild, Enoch, I, 128  
 Fairchild, John R., V, 576  
 Fairleigh, T. B., II, 905  
 Fairs, II, 740, 791  
 Fallam, Robert, I, 44  
 Fallen Timbers, I, 354  
 Falls City, II, 926  
 Falls of the Ohio, I, 49, 177, 178, 182, 203, 217  
 Falmouth, II, 611  
 Falwell, Reuben H., V, 87  
 Family celebrations, I, 527  
 Fannin, Bryant B., III, 446  
 Fannin, Charles V., III, 447  
 Farbach, Henry J., III, 143  
 Faris, Alexander A., IV, 398  
 Farley, Joseph I., III, 31  
 Farm products, II, 594, 987  
 Farmer, Henry H., IV, 254  
 Farmer, James T., III, 353  
 Farmer, L. Irvin, V, 209  
 Farmer, William S., IV, 370  
 Farmers, II, 920  
 Farmers and Federal armies, II, 878  
 Farmers organizations, II, 741  
 Farnsley, Burrell H., III, 370  
 Faull, William J., V, 497  
 Faurest, Louis A., III, 345  
 Fayette County, I, 74, 186, 201, 237, 263, 290, 395, 562; II, 816, 844, 1099, 1105  
 Fayette County Agricultural and Mechanical Association, II, 741  
 Feagans' Station, I, 203  
 Feather, Harry, V, 292  
 Featherston, Milo G., III, 400  
 Featherston, Steve B., III, 298  
 Federal Banks, II, 650  
 Federal Courts, II, 651  
 Federal government, western discontent with, I, 348  
 Federal interference in Kentucky, II, 906  
 Federal occupation, II, 888  
 Federal relations of 1798-99, I, 403; II, 672  
 Federal taxation, I, 318  
 Federalist party, I, 261, 473; discredited, I, 422; grievances against, I, 470; II, 674, 1064  
 Federalists, II, 1061  
 Fee, John G., II, 814, 819  
 Feeback, Green, V, 14  
 Feese, R. M., V, 193  
 Fegenbush, Edward J., IV, 336  
 Feix, Joseph, IV, 304  
 Felix, Alma L., IV, 347  
 Felix, Camilla H., III, 247  
 Felix, John I., IV, 346  
 Felix, William H., III, 247  
 Feltner, James M., III, 506  
 Felts, Ernest J., V, 257  
 Fenley, Oscar, IV, 55  
 Ferguson, Charles, IV, 559  
 Ferguson, Edward A., II, 953  
 Ferguson, F. W., V, 366  
 Ferguson, John K., V, 333  
 Ferguson, Robert H., III, 287  
 Ferguson, Will B., IV, 597  
 Fessenden, William P., II, 788  
 Fetter, George G., IV, 34  
 Feuds, II, 1013, 1027, 1204  
 Ficklin, Joseph, II, 762  
 Field, Charles W., II, 1144  
 Field, John H., III, 375  
 Field, William, I, 194  
 Fields, David D., III, 583  
 Fields, Felix G., III, 604  
 Fields, R. Monroe, V, 558  
 Fields, L. Wilson, III, 83  
 Fields' Station, I, 203  
 Fifteenth Amendment, II, 916, 968  
 Fifteenth Regiment Cavalry officers, II, 1142  
 Fifteenth Regiment Infantry officers, II, 1124  
 Fifth convention, I, 239, 243  
 Fifth Regiment Cavalry officers, II, 1137  
 Fifth Regiment Infantry officers, II, 1119  
 Fifty-fifth Regiment Infantry officers, II, 1134  
 "Fifty-four Forty or Fight," II, 823  
 Fifty-fourth Regiment Infantry officers, II, 1134  
 Fifty-second Regiment Infantry officers, II, 1134  
 Fifty-third Regiment Infantry officers, II, 1134  
 Figg, Lee G. R., III, 369  
 Fillmore, Millard, II, 847  
 Filson Club, The, V, 615  
 Filson, John, I, 34, 287, 305; (portrait), I, 35  
 Finances, I, 298, 511; II, 595, 921; at beginning of Civil War, II, 866  
 Fincastle County, II, 1099  
 Findlay, John, I, 160, 161  
 Fink, Albert, II, 929  
 Finley, John, I, 200; II, 1035  
 Finley, Samuel, I, 306

- Finn's Station, I, 203  
 First agricultural associations, II, 740  
 First and Second Enabling acts, I, 235  
 First bank, I, 299, 513  
 First Bessemer Iron, II, 746  
 First boat-load of coal, II, 746  
 First book on Kentucky, I, 287  
 First Bourbon whiskey, I, 504  
 First brick house built in Kentucky, I, 210  
 First Burley pool, II, 1181  
 First Census, I, 292, 485  
 First church congregation in Kentucky, I, 534  
 First company for rendering a stream navigable, I, 494  
 First Constitution of Kentucky, II, 1052  
 First court held in Kentucky, I, 217  
 First crop of Burley in the Blue Grass country, II, 1182  
 First educational requirement for office, I, 400  
 First Enabling Act, I, 236  
 First Episcopal Church in Kentucky, II, 793  
 First European visitors, I, 160  
 First fire ordinance, I, 295  
 First fort in Kentucky, I, 210  
 First general tobacco inspection law in Kentucky, II, 1165  
 First geological survey, II, 747  
 First Governor, I, 307  
 First gubernatorial election under negro suffrage, II, 919  
 First Indian depredation west of the Alleghany, I, 78  
 First institution of higher learning west of the Alleghanies, II, 1049  
 First Kentucky Brigade, commanding officers of, II, 1144  
 First land office, I, 167  
 First leaf tobacco fair, II, 1172  
 First legislation on slaves, I, 541  
 First Legislature, I, 308  
 First log cabin in Louisville (view), I, 217  
 First loose-leaf sales warehouse, II, 1181  
 First manufacturing, I, 301  
 First marriage in Mississippi Valley, I, 58  
 First merchandise stores, II, 1172  
 First Methodist Episcopal Church building in Kentucky, I, 207  
 First occupying claimant law, II, 659  
 First orchards, II, 1172  
 First person to shut store on the Sabbath Day, I, 294  
 First pioneer government beyond the Alleghanies, I, 165  
 First popular contest in a Presidential election, II, 689  
 First popular election of United States Senators, II, 1015  
 First Presbyterian minister, II, 1050  
 First President from Kentucky, II, 831  
 First professor of medicine in the West, II, 1052  
 First race course, I, 295  
 First railroad, II, 730  
 First Regiment Cavalry Officers, II, 1135  
 First Regiment Infantry officers, II, 1118  
 First regular general camp-meeting, I, 538  
 First regular post road, I, 490  
 First Republican daily newspaper, II, 919  
 First Republican governor, II, 1007  
 First revenue bill, I, 308  
 First schools, I, 304  
 First settled place, I, 113  
 First settlement in Eastern Kentucky, I, 136, 154  
 First settlements made in Big Sandy Valley, I, 148  
 First settlers, in Eastern Kentucky, I, 110  
 First state convention, II, 685  
 First state courts, I, 310  
 First state to care for insane, II, 781  
 First steamboats, I, 501; II, 721  
 First stores in Kentucky, I, 302  
 First superintendent of schools, II, 764  
 First Supreme Court of Kentucky, I, 217  
 First surveys, I, 212  
 First three conventions, I, 226  
 First tobacco exports, II, 1172  
 First towns, I, 217  
 First watermill in America, I, 10  
 First water-works, I, 527  
 First white woman in Kentucky, I, 75  
 Fish, Carlos A., III, 461  
 Fish, Egbert T., IV, 275  
 Fishback, James, II, 1053  
 Fishback, John J., III, 336  
 Fisher, Charles G., IV, 229  
 Fisher, Darwin E., IV, 244  
 Fisher, Frank M., V, 158  
 Fisher, Henry W., III, 580  
 Fisher, Jack E., V, 83  
 Fisher's Garrison, I, 203  
 Fisk, John F., II, 891  
 Fister, John P., IV, 125  
 Fister, William M., IV, 128  
 Fitch, H. D., V, 263  
 Fitch, John, I, 500  
 Fitzgerald, Edward S., III, 280  
 Fitzgerald, John J., III, 399  
 Fitzpatrick, John D., IV, 635  
 Flanagan, William G. D., V, 436  
 Flatboating, I, 500  
 Flatboats, II, 723  
 Flat Gap, I, 147  
 Flat Rock ford, I, 148  
 Fleming County, I, 203; II, 750, 1100, 1105  
 Fleming, John, II, 1105  
 Fleming, William, I, 216  
 Flemingsburg, II, 611  
 Fleming's Station, I, 203  
 Fleisher, William J., IV, 318  
 Fletcher, Moses, I, 126  
 Flint, Abram, I, 126  
 Flint, Timothy, I, 219; II, 739, 788  
 Flora Mountain, II, 1025  
 Florence, Horton D., IV, 242  
 Florer's Station, I, 203  
 Flournoy, Francis, I, 431  
 Flournoy, Landon C., III, 159  
 Flournoy, Matthew, II, 712  
 Flowers, James A., IV, 511  
 Flowers, John W., III, 402  
 Flowers, Woodruff J., III, 402  
 Floyd, I, 184, 112; II, 1101, 1105  
 Floyd, David, I, 454

- Floyd, Davis, I, 448  
 Floyd, John, I, 162, 187, 217; II, 1049, 1105; V, 627  
 Floyd's Station, I, 203  
 Flutmus, Herbert K., III, 209  
 Flynn, Ewing A., IV, 308  
 Foley, Jacob S., IV, 134  
 Foley, Philip N., IV, 429  
 Foley, Sanford, IV, 134  
 Fontainbleau, I, 203  
 Forbes, Theodore B., V, 237  
 Forbes, William H., III, 182  
 Forcebill, II, 705  
 Forcht, Fred, IV, 55  
 Ford, Ezra W., III, 489  
 Ford, Robert L., III, 284  
 Ford, Wood H., V, 611  
 Foreign immigrants, II, 995  
 Forests, II, 997  
 Forks of Dick's River, I, 203  
 Forks of Elkhorn Settlement, I, 203  
 Forman, Thomas T., III, 382  
 Forrest's Cavalry Command, II, 1153  
 Forrest's raiders, II, 880  
 Forsythe, Fred A., III, 377  
 Fort Boonesborough, II, 1040  
 Fort Defiance, I, 388  
 Fort Donelson, II, 869, 888, 899, 900  
 Fort Finney, I, 203  
 Fort Greenville, I, 389  
 Fort Henry, II, 869, 888  
 Fort Henry, Petersburg, Virginia, I, 43  
 Fort Jefferson, I, 182, 290  
 Fort Meigs, I, 558  
 Fort Nelson, I, 184, 186, 208  
 Fort of Harman's Colony, I, 154  
 Fort Recovery, I, 388  
 Fort Stanwix, council of 1768, I, 51; treaty of, I, 163, 168  
 Fort Stephenson, I, 559  
 Fortieth Regiment Infantry officers, II, 1132  
 Forts in Revolutionary war, I, 174  
 Forty-eighth Regiment Infantry officers, II, 1133  
 Forty-fifth Regiment Infantry officers, II, 1133  
 Forty-ninth Regiment Infantry officers, II, 1133  
 Forty-seventh Regiment Infantry officers, II, 1133  
 Forty Thieves, II, 598  
 Forwood, William S., III, 268  
 Foster, Alexander C., IV, 271  
 Foster, Elizabeth D. G., IV, 377  
 Foster, Harrison G., IV, 377  
 Foster, Lloyd E., V, 133  
 Fourteenth Amendment, II, 915, 916  
 Fourteenth colony, I, 164, 169  
 Fourteenth Regiment Cavalry officers, II, 1141  
 Fourteenth Regiment Infantry officers, II, 1123  
 Fourth Convention, I, 235  
 Fourth of July, I, 526  
 Fourth Regiment Cavalry officers, II, 1136  
 Fourth Regiment Infantry officers, II, 1119  
 Fowler, Earl L., III, 153  
 Fowler, Joshua, I, 270  
 Fowler, William, III, 415  
 Fox, Arthur, I, 210  
 Fox, David C., IV, 639  
 Fox, F. T., II, 1002  
 Fox, Henry I., IV, 9  
 Fox, James E., V, 104  
 Fox, John, Jr., II, 1059  
 Fox, Letcher R., V, 375  
 Fox's Station, I, 203  
 Foy, William S., V, 278  
 Fraim, C. H., IV, 601  
 France, II, 1064  
 Franchise, I, 280  
 Francis, Ira J., V, 633  
 Francis, William, V, 111  
 Frankfort, I, 73, 309, 457, 488, 492, 514, 527, 532, 550, 556; II, 610, 676, 722, 745, 786, 892, 1006, 1009, 1189, 1196  
 Frankfort Academy, II, 754  
 Franklin Academy, I, 528  
 Franklin, Charles G., V, 394  
 Franklin County, II, 844, 1100, 1106  
 Franklin County Agricultural Society, II, 741  
 Franks, Edward T., III, 323  
 Fraser, Vert C., IV, 416  
 Frazer, T. Atchison, V, 373  
 Frazer, Will E., IV, 405  
 Free coinage, II, 987  
 Free coinage of silver, II, 1006  
 Free negroes, I, 541; II, 798  
 Free silver, II, 1008  
 Free silver question, II, 1007  
 Freedman's Bureau, II, 912, 913, 920  
 Freeman, W. B., IV, 238  
 Freight embargoes, II, 947  
 Freight rates, II, 933, 964  
 Freis, John, IV, 228  
 Fremont, John C., II, 847  
 French Broad, I, 6  
 French enterprise, I, 336  
 French Family, III, 290  
 French, James B., III, 100  
 French Lick, I, 277  
 French Lick Springs, II, 1022  
 French, Lydia B. I., III, 100  
 French Party, I, 363  
 French Revolution, I, 319  
 French, Richard, II, 717  
 French scheme against Louisiana, I, 318  
 French traders, I, 160  
 Frenchtown, battle of, I, 555  
 Friends of Humanity, I, 543  
 Fritz, Conrad, III, 60  
 Froman, Hiram M., IV, 204  
 Frontier Conditions, II, 789  
 Frontier democracy, I, 479  
 Frontier life and customs, I, 174  
 Frontier of 1768, I, 54  
 Frontier, passing of, I, 524  
 Frontier protection, I, 377  
 Frost, Margaret R., IV, 596  
 Fruit, Samuel T., IV, 49  
 Fry, Joshua, I, 306  
 Fry, S. S., II, 905  
 Fryer, Louis P., V, 221  
 Fugazzi School of Business, III, 344  
 Fugitive Slave Law, II, 800  
 Fugitive slaves, II, 804, 807  
 Fuller, George T., V, 225  
 Fulton County, II, 1102, 1106  
 Fulton, Gavin, III, 377  
 Fulton, Samuel, I, 329, 334

- Fuqua, Lindsay H., V, 161  
 Furber, Charles S., IV, 537  
 Furnaces, ancient, I, 115  
 Furnish, Lewis B., IV, 297  
 Fur trade, I, 160  
 Fuson, Henry H., IV, 95  
  
 Gabhart, Winfield S., V, 574  
 Gaddie, William H., III, 512  
 Gaffin, Lewis M., IV, 609  
 Gaines, Jno. B., V, 462  
 Gaines, John W., Hopkinsville, IV, 93  
 Gaines, John W., V, 309  
 Gaines, P. B., II, 1186  
 Gaitskill, M. A., III, 531  
 Gallatin County, II, 1100, 1106  
 Galt House, II, 791  
 Gambill, Edward L., V, 630  
 Gamblin, Theodore L., V, 276  
 Gamblin, Theophilus H., III, 536  
 Gambling, I, 536; II, 778  
 Ganfield, William A., III, 413  
 Gannon, Paul P., III, 440  
 Gardner, Bunk, V, 261  
 Gardner, Ed, V, 260  
 Gardner, Francis N., V, 408  
 Gardner, John B., V, 97  
 Gardner, Thomas R., IV, 123  
 Gardner, William E., III, 166  
 Gardner, William K., V, 409  
 Garfield, James A., II, 977  
 Garnett, James, III, 371  
 Garnett, Larkin, IV, 283  
 Garnett, May, IV, 299  
 Garr, Charles C., III, 387  
 Garrard County, I, 200, 203; II, 1100, 1106  
 Garrard, James, I, 234, 270, 284, 303, 316, 412, 415, 500, 540; II, 582, 1052, 1071, 1073, 1106  
 Garrard, James H., II, 849  
 Garrard, T. T., II, 1206  
 Garrard's Station, I, 203  
 Garred, Arnoldus J., III, 572  
 Garrett, H. Green, IV, 210  
 Garrison, Sherwood P., IV, 489  
 Gartrell, Ethelbert H., III, 580  
 Garth, G. E., V, 9  
 Gary, Claudy E., V, 429  
 Gasper River Church, I, 538  
 Gasser, Joseph, IV, 294  
 Gatewood, Lawless D., IV, 611  
 Gatewood, Robert C., V, 32  
 Gatlin, David W., IV, 627  
 Gatton, R. Harper, V, 493  
 Gay, James L., III, 565  
 Gay, John H., III, 559  
 Gay, John L., III, 254  
 Gay, John T., III, 570  
 Gay, Robert H., III, 571  
 Gayle, James, V, 150  
 Gayle, John W., IV, 372  
 Geary, John A., IV, 172  
 Geisen, J. Robert, IV, 224  
 Genet, I, 319, 322, 325  
 Geological survey, II, 741, 747, 995, 997  
 Geology of Eastern Kentucky, I, 115  
 Geology of Kentucky, II, 1017  
 Georgetown, I, 204, 207, 301, 320, 488, 504, 534; II, 745, 822  
 Georgetown College, II, 756  
 Gerteisen, Joseph M., III, 73  
  
 Gess, Isaac, IV, 32  
 Gess, Mary C., IV, 32  
 Gibbons, James, IV, 272  
 Gibbons, Kate, IV, 272  
 Gibney, Virgil P., II, 1059  
 Gibson, Duncan, IV, 376  
 Gibson family, II, 1199  
 Gibson, Finley F., III, 147  
 Gibson, James J., V, 600  
 Gibson, John, I, 17  
 Gibson, Timothy T., IV, 451  
 Gifford, Morris B., III, 139  
 Gilbert, Abijah B., V, 168  
 Gilbert, E. A., II, 896  
 Gilbert, Harry T., V, 631  
 Gilbert, Howard S., V, 319  
 Gilbert, James M., V, 231  
 Gilbert, John W., V, 170  
 Gilbert, Jonas S., IV, 253  
 Gilbert, Maurice E., V, 339  
 Gilbert's Creek, I, 534  
 Giles Jacob, I, 67  
 Gill, Ben F., III, 513  
 Gill, Coleman E., IV, 565  
 Gilliam, John H., III, 470  
 Gilliam, William B., IV, 564  
 Gilliland, B. F., III, 433  
 Gilmer's Lick, I, 204  
 Gilmore's Station, I, 204  
 Gilson, Ewing P., III, 431  
 Gilson, Edward P., III, 431  
 Gingles, Charles O., III, 508  
 Ginocchio, Frank S., III, 269  
 Ginseng, I, 500  
 Giovannoli, Harry, III, 352  
 Girty, Simon, I, 184  
 Gist, Christopher, I, 68, 91, 137; II, 1169  
 Givens, Henry, III, 123  
 Givens' Station, I, 204  
 Glasgow, II, 893  
 Glasgow Times, III, 547  
 Glass, Seth A., III, 141  
 Glasscock, James H., V, 69  
 Gleaves, James W., V, 317  
 Glenn, John S., Sr., III, 113  
 Glover, James W., V, 155  
 Glover's Station, I, 204  
 Goad, William B., III, 203  
 Goar's Station, I, 204  
 Goble, Elizabeth, V, 336  
 Goble, James, V, 336  
 Goble, Monte J., II, 1185; V, 618  
 Godbey, Duke M., III, 499  
 Godson, Richard, V, 599  
 Goebel, William, II, 1008, 1009, 1072, 1080; assassination of, II, 1010  
 Goebel Election Law, II, 1008, 1012  
 Goebel Statue, II, 1012  
 Goff, Strauder D., IV, 179  
 Goldberg, Aaron, IV, 279  
 Goldberg, Moses, V, 194  
 Gold Standard Democrats, II, 1007  
 Good Templars, II, 992  
 Goode, John M., III, 94  
 Goodpaster, Joseph B., V, 563  
 Goodpaster, Sherman, V, 179  
 Goodson, Joseph A., IV, 159  
 Goodwin, Asa F., V, 368  
 Goodwin, Benjamin B., IV, 9  
 Goodwin, Milton J., III, 559  
 Goodwin, Thomas C., IV, 9  
 Goodwin's Station, I, 204

- Gordon, John, I, 193  
 Gordon, Mitchell, IV, 300  
 Gordon, William T., IV, 400  
 Gordon's Station, I, 204  
 Gore, Benjamin E., IV, 407  
 Gorham, Boswell, IV, 208  
 Gosnell, George W., V, 27  
 Gosney, Edward H., IV, 490  
 Gossett, William L., III, 521  
 Gouging, I, 295  
 Gourlay, John, III, 176  
 Governor, I, 282, 390, 400; office of, I, 315; election of 1816, II, 582; succession to office, II, 586; term of office, II, 836  
 Governors of Kentucky, II, 1071; Biographies of, II, 1072  
 Gowdy, Edwin L., V, 102  
 Graddy Family, III, 607  
 Graddy William L., III, 326  
 Graddy, W. Henry, III, 607  
 Grady, James N., V, 143  
 Gragg, Charles L., V, 210  
 Graham, Christopher, I, 113  
 Graham, C. E., V, 50  
 Graham, Edward, I, 532  
 Graham, Hubert D., V, 471  
 Graham, James, I, 194  
 Graham, J. H., IV, 381  
 Graham, John L., III, 60  
 Grand Ball of 1834, II, 1193  
 Grange, The, II, 987  
 Grant, John, I, 204  
 Grant, John D., IV, 638  
 Grant, Samuel, II, 1106  
 Grant County, I, 201; II, 1101, 1106  
 Grant's Lick, I, 204  
 Grant's Station, I, 204  
 Grape-growing, I, 499  
 Grassham, K. O., V, 360  
 Gratz, Benjamin, I, 68; II, 829  
 Gratz, Bernard, V, 629  
 Gratz, Michael B., V, 630  
 Gravely, William E., III, 35  
 Graves, Benjamin, II, 1106  
 Graves County, II, 593, 1101, 1106  
 Graves, Edward G., IV, 637  
 Graves, George K., III, 355  
 Graves, George O., III, 483  
 Graves, Jack C., III, 576  
 Graves, Jacob H., III, 216  
 Graves, Jacob H., Jr., III, 217, 342  
 Graves, Pellie G., IV, 494  
 Gray, Elmer T., III, 215  
 Gray, James L., III, 64  
 Gray, John I., IV, 303  
 Gray, M. A., IV, 459  
 Gray, Thomas P., III, 36  
 Gray, William W., IV, 353  
 Grayson County, II, 1101, 1106  
 Grayson, Frederick W. S., II, 646  
 Grayson, William, II, 1106  
 Great Cave, I, 128  
 Great Commoner, II, 841  
 Great Crossings Station, I, 204  
 Great Pacifcator, II, 839  
 Great Revival, I, 536, 539  
 Great Sandy Creek, I, 127  
 Great War, II, 1015  
 Greathouse, William W., IV, 34  
 Green County, I, 489; II, 1100, 1106  
 Green, George C., III, 267  
 Green, John, II, 800  
 Green Lewis W., II, 771  
 Green River, I, 494, 523, 596, 887  
 Green River country, I, 488; II, 722  
 Green River Debt, I, 489  
 Green River District, II, 1178  
 Green River Island, II, 1000  
 Green River Knob, II, 1028  
 Green River lands, II, 658  
 Green River Lock, II, 899  
 Green River region, I, 537; II, 690  
 Green, Willis, I, 234  
 Green vs. Biddle, II, 661, 664  
 Green-backs, II, 987  
 Greenbrier River, I, 65  
 Greene, Lucien D., III, 72  
 Greensburg, I, 204; II, 611  
 Greenup, Christopher, I, 234, 254, 264, 300, 303, 311, 385, 431, 483, 494, 553; II, 1050, 1071, 1073, 1106  
 Greenup County, II, 745, 1101, 1106  
 Greenup, George W., IV, 605  
 Greer, Creed C., IV, 607  
 Greer, George W., V, 41  
 Greer, Marquis de L., V, 583  
 Greer, Paul A., III, 542  
 Gregory, Joseph R., III, 508  
 Gregory, William V., III, 368  
 Grehan, Enoch, IV, 106  
 Griffin, Michael F., IV, 324  
 Griffith, Clinton, III, 280  
 Griffith, Daniel M., III, 40  
 Griffith, Dr. Daniel M., III, 297  
 Griffith, David W., V, 638  
 Griffith, Hubbard F., III, 68  
 Griffith, Jacob W., V, 639  
 Griffith, Josh T., III, 41  
 Griffith, William R., III, 229  
 Griffiths, Maurice, I, 36  
 Grigsby, William F., V, 191  
 Grimes, John H., IV, 396  
 Grimes, J. Frank, IV, 530  
 Grinstead, James F., III, 143  
 Grizzell, Raymond F., III, 407  
 Gronnerud, Paul, IV, 610  
 Grooms, Hugh L., IV, 496  
 Gross, Amerida M., V, 587  
 Grubbs, Charles S., IV, 50  
 Grubbs, Edward L., V, 455  
 Grubbs, Rodman, IV, 51  
 Grubb's Station, I, 204  
 Grundy, Andrew J., V, 66  
 Grundy, Felix, I, 459, 480, 520, 549  
 Grizzell, Raymond F., III, 407  
 Gubernatorial election, new, II, 590  
 Gubernatorial succession, II, 580  
 Guenther, John E., IV, 298  
 Guerilla depredations, II, 880, 894  
 Guerilla warfare, II, 893, 903  
 Guerillas, II, 898  
 Guess, Learner E., IV, 394  
 Guffy, A. C., III, 550  
 Gunther, Ferdinand T., III, 283  
 Gunther, Sophia S., III, 283  
 Guthrie, James, II, 707, 712, 736, 762, 817, 835, 844, 909, 916, 937, 941, 1084, 1092; V, 20  
 Guthrie, James G., II, 1092  
 Guthrie, Robert R., V, 348  
 Guyandotte River, I, 13  
 Gwin, Earl S., IV, 63

- Habeas corpus, II, 896, 906.  
 Hadden, Sally A., IV, 21  
 Haehnle, Charles, III, 120  
 Hagan, Edward L., III, 319  
 Hagan, Robert M., III, 65  
 Hagan, Sylvester, III, 65  
 Hagan, William B., V, 534  
 Hager, Lawrence W., III, 311  
 Hager, Samuel W., III, 311  
 Haggan, Henry C., IV, 432  
 Haggard, Audley, V, 330  
 Haggard, Basil, V, 534  
 Haggard, Clay F., III, 42  
 Haggard, Edward W., IV, 85  
 Haggard, Frank H., III, 307  
 Haggard, Jephtha J., V, 263  
 Haggard, John R., IV, 80  
 Haggin, James, II, 631  
 Haggin, James B. A., IV, 569  
 Haggin, John, I, 210  
 Haggin's Station, I, 204  
 Hagins, J. Wise, III, 611  
 Hagyard, Edward W., IV, 85  
 Hagyard, John R., IV, 80  
 Haldeman, Annie B., III, 12  
 Haldeman, John A., III, 12  
 Haldeman, Walter N., III, 2  
 Haldeman, William B., III, 12  
 Hale, Ben G., Jr., III, 450  
 Hale, Ben G., Sr., III, 449  
 Hale, H. S., IV, 117  
 Hale, Jerome S., III, 227  
 Hale, Richard L., V, 13  
 Hale, William L., IV, 392  
 Haley, Jesse J., IV, 239  
 Haley, William W., IV, 214  
 Hall, A. D., IV, 545  
 Hall, A. L., III, 167  
 Hall, Asa M., IV, 169  
 Hall, Benjamin W., IV, 632  
 Hall, James, I, 534  
 Hall, Lafayette B., III, 167  
 Hall, Malone, III, 602  
 Hall, W. F., IV, 393  
 Hall, Whitsitt, V, 255  
 Hall, William K., V, 289  
 Halley, Henry S., II, 1172  
 Halley, John, II, 1171  
 Halley, John, Journal of, II, 1173  
 Halley, Samuel H., II, 1162, 1172, 1183, 1186; III, 571  
 Halmhuber, George, III, 455  
 Ham, William P., V, 608  
 Hamby, Frazier L., IV, 81  
 Hammond, A. B., V, 361  
 Hammond, Earl A., III, 451  
 Hammond, William R., V, 213  
 Hamilton, Henry W., V, 79  
 Hamilton, Joseph, I, 443  
 Hamilton, Thomas P., V, 78  
 Hampton, Jesse B., III, 601  
 Hanbury, Capel, I, 67  
 Hanbury, John, I, 67  
 Hancock, Arthur B., IV, 290  
 Hancock County, II, 971, 1101, 1106  
 Hancock, Nannie, V, 328  
 Handley, LeBlonde, III, 318  
 Hanes, Lon D., V, 472  
 Hank, Gus E., V, 338  
 Hankins, Thomas M., III, 136  
 Hankins, William B., IV, 475  
 Hankla, Lamont, III, 516  
 Hanks, John, I, 155  
 Hanly, John H., III, 159  
 Hanna, William C., IV, 350  
 Hanses, Alfred, V, 520  
 Hanson, Charles H., II, 905  
 Hanson, Charles S., II, 903  
 Hanson, Roger W., II, 1144  
 Harbeson, Matthew L., III, 101  
 Harbeson's Station, I, 204  
 Harbison, Shelby T., III, 133  
 Hardesty, Frank J., V, 380  
 Hardesty, George L., III, 264  
 Hardesty, T. H., V, 76  
 Hardin, Benjamin, II, 593, 622, 637, 771, 1076; V, 620  
 Hardin County, I, 489; II, 656, 1100, 1106  
 Hardin, John, I, 376, 382, 386; II, 1075, 1106  
 Hardin, Louisa L., II, 995  
 Hardin, Martin D., I, 552, 583; II, 1083, 1092  
 Hardin, P. W., II, 1006, 1009  
 Hardinsburg, I, 204  
 Hardin's Station, I, 204  
 Hard times, II, 592, 718, 987; relief laws in, II, 607  
 Hargan, Roy R., IV, 9  
 Harget, Peter, I, 194  
 Harkins, Joseph D., IV, 613  
 Harkins, Josephine D., IV, 613  
 Harkins, Rea B., IV, 613  
 Harkins, Walter S., IV, 612  
 Harl, Tandy L., III, 287  
 Harlan, II, 1200  
 Harlan County, II, 1101, 1106  
 Harlan, James I., V, 136  
 Harlan, John M., II, 901, 917, 919, 1001, 1059; V, 619  
 Harlan, Silas, I, 193; II, 1106  
 Harlan's Station, I, 204  
 Harlison, Thomas H., IV, 354  
 Harman, Aquilla, I, 138  
 Harman, Daniel, I, 138, 153, 159  
 Harman, Henry, I, 138, 153  
 Harman, Matthias, I, 135, 136, 141, 148, 152, 154, 159  
 Harman, Thomas H., IV, 354  
 Harman's Station, I, 134, 152, 154, 200, 204; second blockhouse at, I, 159  
 Harmar, expedition under, I, 381  
 Harmar's campaign, I, 382  
 Harmon, Adam, I, 78, 90, 153  
 Harmon, Eugene, V, 151  
 Harmon, John L., V, 618  
 Harper, James D., III, 165  
 Harralson, George G., III, 436  
 Harrel, Zephaniah, IV, 626  
 Harris, Brig H., IV, 588  
 Harris, Martin L., II, 1187  
 Harris, Samuel J., IV, 184  
 Harris, William H., IV, 26  
 Harrison, Baxter, III, 408  
 Harrison, Benjamin, II, 1106  
 Harrison County, I, 194, 204; II, 887, 1100, 1106  
 Harrison, Cuthbert, I, 284  
 Harrison, Erbie L., III, 303  
 Harrison, Fred A., V, 226  
 Harrison, Joe P., V, 431  
 Harrison, John L., IV, 252  
 Harrison, Joseph H., III, 333

- Harrison, William H., I, 548, 555; II, 714, 718  
 Harrison's Station, I, 204  
 Harrod, I, 184  
 Harrod, James, I, 113, 162, 165, 204, 212; V, 628  
 Harrod, Samuel, I, 114  
 Harrod, William, I, 177  
 Harrodsburg, I, 113, 165, 173, 183, 198, 201, 219, 499; II, 611, 735, 745, 771, 1058, 1194; convention of 1776, I, 169; attack of 1777, I, 175  
 Harrodsburg Springs, II, 792  
 Harrod's fort, II, 1041  
 Harrod's Station, I, 204, 535  
 Harrodstown, I, 205, 216, 304  
 Hart, Albert S., IV, 633  
 Hart County, II, 1101, 1107  
 Hart, Joel T., V, 621  
 Hart, Nathaniel, I, 68, 204  
 Hart, Nathaniel G. T., II, 1107  
 Hart, Robert S., IV, 600  
 Hart, Thomas, I, 504, 525  
 Hart's Station, I, 204  
 Hartford, II, 611  
 Hartford Station, I, 204  
 Harting, Rudolph R., III, 199  
 Harvey, James B., III, 546  
 Harvie, Lewis E., V, 551  
 Haston, Fred D., IV, 257  
 Haswell, John P., III, 67  
 Hatcher, Ferdinand T., V, 33  
 Hatcher, George E., V, 393  
 Hatcher, James, IV, 358  
 "Hat Manufactory," I, 301  
 Hatter, David H., V, 264  
 Hatterick, Henry G., IV, 298  
 Hausberger, Emil, IV, 294  
 Haw, James, I, 535  
 Hawes, J. M., II, 1144  
 Hawes, John C., IV, 347  
 Hawes, Robert, I, 138, 153; II, 892  
 Hawkins, Martin, I, 493  
 Hay, Charles W., III, 464  
 Haycraft, Samuel, I, 205  
 Hayden, Benjamin, I, 194  
 Hayden, Charles S., III, 61  
 Hayden, John L., IV, 351  
 Hayden, John V., IV, 350  
 Haydon, William C., IV, 458  
 Hayes, Edward, IV, 271  
 Hayes, J. E., IV, 574  
 Hayes, Mary, IV, 271  
 Hayes, Nick, IV, 271  
 Haynes, Chastain W., V, 371  
 Haynes, Elizabeth F., III, 293  
 Haynes, Frank L., IV, 567  
 Haynes, Oliver C., III, 296  
 Haynes, Warner E., V, 617  
 Haynes, William L., III, 273  
 Hays, David, V, 564  
 Hays, Fountain S., IV, 327  
 Hays, James R., IV, 312  
 Hays, Joseph S., IV, 178  
 Hays, Lewis, Jr., III, 395  
 Hays, Lowell K., V, 159  
 Hays, W. M., V, 37  
 Hays, W. O., IV, 405  
 Haywood, John, I, 115, 116  
 Hazard, Samuel, I, 162  
 Hazel Patch, I, 204  
 Hazelrigg, Albert A., III, 562  
 Hazelrigg, James H., IV, 340  
 Hazlitt, Henry, I, 126  
 Head, Jesse, V, 607  
 Headley, Alice W., III, 189  
 Headley, Hal Price, III, 82  
 Headley, Hal Petit, IV, 230  
 Headley, Oscar F., IV, 141  
 Head right system, II, 658  
 Heady, J. Felix, IV, 112  
 Health, II, 749  
 Hearin, C. E., III, 111  
 Heathman, William F., IV, 213  
 Hedges, Florence A., V, 316  
 Hedges, Ollie C., V, 316  
 Heflin, William R., V, 150  
 Hehr, Chris, V, 154  
 Helm, B. H., II, 1144  
 Helm, James P., IV, 73  
 Helm, John B., II, 716  
 Helm, John L., II, 767, 830, 837, 916, 1071, 1076  
 Helm, Leonard, I, 177  
 Helm, Nannie C., IV, 325  
 Helm, Thomas, I, 205  
 Helm, Thomas K., IV, 74  
 Helm, Thomas O., Sr., V, 258  
 Helm's Station, I, 205  
 Hemp, I, 500, 506; machine for cleaning, I, 503; manufactures, I, 504; II, 592, 739  
 Hemphill, Charles R., III, 66  
 Hemphill, Ebenezer B., V, 61  
 Hemphill, Fred W., III, 93  
 Henderson, I, 500  
 Henderson and Nashville Railroad, II, 735  
 Henderson County, II, 1101, 1107  
 Henderson District, II, 1178  
 Henderson Grant, I, 213  
 Henderson, Llewellyn M., IV, 385  
 Henderson Purchase, I, 55  
 Henderson, Richard, I, 12, 54, 137, 162, 165, 172, 201, 212, 517; II, 1049, 1107; V, 627  
 Henderson, Robert L., IV, 21  
 Henderson, R. W., III, 524  
 Hendren, Oliver J., IV, 426  
 Hendrick, John K., V, 616  
 Henry, Albert M., III, 474  
 Henry Clay Monument (view), II, 840  
 Henry County, II, 1100, 1107  
 Henry, Jefferson, V, 75  
 Henry, Patrick, I, 162, 163, 168, 170, 252; II, 1107  
 Henry, Robert P., II, 646  
 Henry, T. J., II, 1002  
 Henry, Winston B., V, 178  
 Herald, Louisville, IV, 87  
 Herberth, Louis, III, 104  
 Hermann, Edward, V, 210  
 Hermann, George J., IV, 425  
 Hermann, Joseph G., V, 210  
 Herndon, A. M., III, 525  
 Herndon, William, III, 255  
 Herold, Matt, V, 209  
 Hert, Alvin T., IV, 23  
 Hester, E. H., IV, 57  
 Hester, James H., IV, 8  
 Heuer, George H., III, 226  
 Heyburn, William, III, 267  
 Hickman, II, 874, 887; seized by Confederates, II, 858

- Hickman County, II, 593, 1101, 1107  
 Hickman, L. K., V, 48  
 Hickman, Paschal, II, 1107  
 Hickman, R., II, 582  
 Hickman, Richard B., IV, 40  
 Hickman, William, I, 534  
 Hickey, William F., III, 225  
 Hicks, Charles R., V, 487  
 Hicks, Edna, IV, 534  
 Hicks, Edward L., III, 490  
 Hicks, Elmer H., V, 560  
 Hicks, Harry, V, 203  
 Hieatt, Clarence C., IV, 226  
 Hieatt, William F., IV, 132  
 Hiestand, Clement V., V, 85  
 Higdon, James R., III, 328  
 Higgin, Henry, III, 206  
 Higgins' Blockhouse, I, 205  
 Higgins Family, IV, 202  
 Higgins, John M., III, 327  
 Higgins, Sallie Ann, I, 11  
 Higher education, I, 528; II, 992  
 Highland, Jesse P., III, 558  
 High schools, II, 991  
 Highways of wilderness, I, 26  
 Hilburn, Tibbis C., III, 497  
 Hildreth, Charles L., III, 218  
 Hiles, John B., V, 253  
 Hill, Ed, IV, 470  
 Hill, Edward G., III, 77  
 Hill, Fred P., V, 354  
 Hill, G. W., V, 480  
 Hill, Thomas P., V, 581  
 Hill, William A., V, 139  
 Hill, Will B., V, 465  
 Hillenmeyer, Ernest B., IV, 36  
 Hillenmeyer, Hector F., IV, 146  
 Hillenmeyer, Herbert F., III, 226  
 Hillenmeyer, Louis E., IV, 111  
 Hillenmeyer, Walter W., V, 119  
 Hilliard, Edward H., III, 611  
 Hilliard, John I. B., III, 611  
 Hindman, Leslie L., V, 38  
 Hindman Settlement School, IV, 647  
 Hines, Lafayette J., IV, 541  
 Hines, Thomas H. (portrait), II, 1146; V, 625  
 Hinkston, John, I, 209  
 Hinkston's Station, I, 205  
 Hinton, John T., V, 613  
 Hinton, O. P., V, 613  
 Hinton, Toy F., V, 539  
 Hise, Elijah, II, 712  
 Hisgen, C. W., IV, 88  
 Historical celebrations, II, 771  
 Historical documents, II, 770  
 Historians of Kentucky, II, 770  
 Hite, Abraham, I, 167  
 Hobbs, William C. G., III, 386  
 Hobday, Charles B., III, 57  
 Hobson, E. H., II, 901, 905, 911  
 Hobson, Robert P., III, 76  
 Hobson, William, V, 406  
 Hobson's Choice, I, 205  
 Hocker, Richard M., V, 411  
 Hodge, Edwin, IV, 198  
 Hodge, George B., II, 1144  
 Hodge, John H., III, 211  
 Hodge, William, I, 537  
 Hodges, Eli P., IV, 403  
 Hodgkin Grocery Company, III, 356  
 Hodgkin, Henry C., III, 53  
 Hodgkin, James K., III, 366  
 Hodgkin, Jesse N., IV, 326  
 Hodgkin, John M., IV, 186  
 Hodgkin, Riffe, III, 356  
 Hodgkin, Samuel P., III, 356  
 Hodgkin, Samuel P., Winchester, III, 368  
 Hoeing, Joseph B., II, 997, 1033  
 Hoeing Survey, II, 1034  
 Hoffman, Harry G., V., 552  
 Hogaland's Station, I, 205  
 Hogard, William F., III, 440  
 Hog cholera, II, 769  
 Hoge, Eugene E., V, 211  
 Hoge, Myrvin E., IV, 548  
 Hoge, Percy E., IV, 592  
 Hoge, Stephen F., III, 418  
 Hoge, William H., V, 182  
 Hog frauds, II, 878  
 Hogg, James, I, 167  
 Hogg, Peter, I, 95  
 Hog orders, II, 878  
 Hogshead markets, II, 1180  
 Hogsheads, tobacco, II, 1168  
 Holbert, George K., III, 303  
 Hold, Joseph, II, 858  
 Holden, Joseph, II, 1035  
 Holder's Station, I, 205  
 Holeman, Neville L., V, 498  
 Holifield, Marvin B., V, 277  
 Holladay, Bruce, III, 394  
 Holladay, John B., III, 393  
 Holladay, Mayme, III, 394  
 Holland, George A., IV, 66  
 Holland, Leander P., V, 415  
 Holland, Reuben M., III, 298  
 Holland, Richard H., IV, 58  
 Holland, Simon K., III, 129  
 Holley, Horace, II, 754, 787, 1054, 1057  
 Holliday, Malcolm H., IV, 607  
 Hollingsworth, Lyman D., V, 145  
 Holloway, E. T., II, 1187  
 Holman, Paul W., III, 596  
 Holman, Roy, V, 532  
 Holmes, Andrew, I, 309, 330  
 Holmes, Luther B., III, 584  
 Holston River, I, 5, 58, 95  
 Holston settlements, I, 175, 177  
 Holston, Stephen, I, 5  
 Holt, Chief Justice, II, 1005  
 Holt, Edward W., V, 397  
 Holton, Milton D., V, 93  
 Holy Cross Church, III, 114  
 Holy Cross School, III, 115  
 Home Guards, II, 885, 889  
 Homecoming celebration, II, 995  
 Home industries, I, 502  
 Home manufactories, II, 617  
 Homemade products, I, 505  
 Homestead Act, II, 913  
 Homestead exemption, II, 834  
 Homestead law, II, 719  
 Hon, George, III, 34  
 Honaker, Harry P., III, 22  
 Honest living, I, 524  
 Hood, Thomas J., II, 767  
 Hood's Station, I, 205  
 Hoover, John F., V, 386  
 Hopewell treaty, I, 55  
 Hopkins, Alice G., V, 579  
 Hopkins County, II, 1028, 1101, 1107  
 Hopkins, Francis A., V, 578



- Hopkins, John C., V, 579  
 Hopkins, Samuel, I, 399, 420, 447, 552, 553; II, 1107  
 Hopkinsville, II, 781, 1013  
 Hopkinsville District, II, 1178  
 Hopkinsville High School, IV, 82  
 Horn, George T., IV, 490  
 Horine, Irving, III, 528  
 Horse racing, I, 295, 525; II, 740  
 Horses, I, 490, 525  
 Hoskins, J. W., V, 207  
 Hoskins, Leonard D., III, 441  
 Hoskins, W. A., II, 901  
 Hospital for insane, private, II, 779  
 House, Leslie L., III, 521  
 Houston, Edward B., IV, 362  
 Houston, John D., V, 113  
 Hovermale, L. T., IV, 619  
 Howard, Albert, IV, 157  
 Howard, Benjamin, I, 466; II, 1086  
 Howard, Charles E., III, 486  
 Howard, H. Clay, V, 446  
 Howard, John, IV, 453  
 Howard, John A., IV, 382  
 Howard, Moses W., V, 351  
 Howe, John, I, 149  
 Howe, John J., V, 238  
 Howe, R. Emmet, IV, 343  
 Howell, Elsey W., IV, 357  
 Howell, James R., III, 80  
 Howes, Frederick, IV, 560  
 Howes, Harry C., III, 483  
 Howes, Henry S., IV, 459  
 Howk, George, IV, 302  
 Hoy's Station, I, 205  
 Hubbard, Eugene, III, 297  
 Hubbard, James M., V, 523  
 Huddleston, A., V, 291  
 Huey, Oscar M., III, 155  
 Huff, John W., IV, 558  
 Huffman Brothers, IV, 177  
 Huffman, James H., IV, 177  
 Huffman, L. R., IV, 177  
 Huffman, Robert, III, 395  
 Huffman, William T., IV, 349  
 Huggins, Clement W., V, 635  
 Hughes, Alexander, III, 172  
 Hughes, D. L., IV, 536  
 Hughes, Gabriel H., V, 258  
 Hughes, James T., IV, 493  
 Hughes, John, I, 58  
 Hughes, John W., V, 608  
 Hughes, W. R., IV, 469  
 Hulett, James A., IV, 154  
 Hume, Benjamin T., III, 189  
 Hume, N. S., V, 486  
 Hume, Omer F., III, 321  
 Hummel, Harold R., V, 607  
 Humphrey, John R., III, 326  
 Humphreys, Charles, II, 1055  
 Humphreys, Joseph A., V, 463  
 Humphreys, Sarah G., V, 463  
 Humphries, John C., V, 503  
 Hunt, Clay R., III, 78  
 Hunt, G. A., V, 444  
 Hunt, George R., III, 359  
 Hunt, James H., IV, 593  
 Hunt, James W., IV, 422  
 Hunt, Katherine, IV, 423  
 Hunter, David, I, 207  
 Hunter, David C., IV, 139  
 Hunter, John A., III, 555  
 Hunter, R. Dillard, III, 338  
 Hunter, W. G., II, 1007  
 Hunter, William, I, 457, 534  
 Hunter, William E., III, 105  
 Hunters of Kentucky, II, 689, 822  
 Huntsman, Humphrey C., III, 469  
 Huntsman, Rory O., IV, 473  
 Hurst, C. Hardin, IV, 622  
 Hurst, Henry C., IV, 618  
 Hurst, Taylor, IV, 187  
 Hurt, Elizabeth, V, 524  
 Hurt, Harvey, V, 524  
 Hurt, J. Smith, V, 524  
 Hurt, Lester E., V, 460  
 Hurt, Rollin, V, 359  
 Huston's Station, I, 205  
 Hutcheson, Robert R., IV, 233  
 Hutchings, Eusebius T., III, 164  
 Hutchinson, E. L., III, 83  
 Hyatt, Meredith W., V, 59  
 Hynes, Andrew, I, 205, 234  
 Igleheart, Louis I., V, 276  
 Illinois Central Railroad, II, 735, 923  
 Illiteracy, II, 989  
 Imlay, Gilbert, I, 296  
 Immigration, promotion of, II, 995  
 Imprisonment for debt, II, 615  
 Indian attack on Drapers Meadows, I, 79  
 Indian attack on Walker's Creek settlement, I, 140  
 Indian campaigns of Harmar, St. Clair and Wayne, I, 376  
 Indian expedition of 1791, I, 384  
 Indian hieroglyphics, I, 147  
 Indian Mounds, I, 148  
 Indian Old Fields, II, 1169  
 Indian occupancy, I, 15  
 Indian remains, II, 1200  
 Indian school, II, 783  
 Indian title to Kentucky, I, 49  
 Indian trail, I, 143  
 Indiana Company, I, 162  
 Indians, atrocities, I, 25; in Kentucky, I, 31; land cessions of, I, 54; of the Ohio Valley, I, 94; as British allies, I, 173; campaign of 1780, I, 184; troubles after Revolution, I, 185; campaign of 1782, I, 186; means of defense against, I, 227; depredations, I, 237; wars, I, 296; campaign in Northwest, I, 353; policy of treaty-making, I, 377; losses in Kentucky, I, 379; depredations in Ohio Valley, I, 380; Northwest Confederacy, I, 547; campaign of 1812, I, 553; power in Northwest broken, I, 561; Boone's adventure with, II, 1037  
 Individualism, I, 480  
 Industrial activity, II, 592  
 Industrial convention, II, 999  
 Industries, I, 501; II, 996  
 Industry, Kentucky's chief, II, 1177  
 Ingles Family, I, 75  
 Ingles Ferry, I, 58, 132  
 Ingles, Mary, I, 71, 75; at the Shawnee villages, I, 83  
 Ingles, Thomas, I, 92  
 Ingles, William, I, 40, 58, 75, 91, 94; house (view), I, 76  
 Ingram, William M., III, 173  
 Inheritance tax, II, 989

- Innes, Harry, I, 217, 234, 239, 242, 251, 252, 254, 257, 264, 270, 271, 279, 283, 285, 300, 303, 310, 365, 371, 377, 406, 431, 444, 462, 469; refuses warrant for Burr, I, 446; connection with Spanish plots, I, 461; inquiry ordered by legislature, I, 464; investigation, I, 465; compromise with Marshall, I, 468; II, 1064
- Innes, James, I, 354
- Insane Asylum, II, 781
- Insane, state care of, II, 779
- Institution for the Deaf and Dumb, II, 781
- Institutional development, I, 212
- Insurance business, I, 512
- Insurance companies, II, 993
- Intellectual development, II, 769
- Intellectual progress, I, 303
- Internal development, I, 490
- Internal improvements, II, 584, 693, 695, 710, 715, 1066, 1069; era of, II, 721; board of, II, 725; state aid to, II, 727; cost of, II, 729
- Interstate Canal, II, 726
- Interstate highway, II, 724
- Inventions, new, I, 503
- Ireland, Henry C., IV, 341
- Ireland, James, I, 126
- Ireland, J. W., IV, 335
- Ireland, Marguerite, IV, 342
- Ireson, Ernest D., V, 261
- Irish, II, 785
- Irish Station, I, 205
- Iron furnaces, II, 745
- Iron industry, II, 746
- Iron ores, II, 745, 997, 1031
- Iron smelting, II, 1022
- Iroquois clans, I, 24
- Iroquois Indians, I, 1, 16, 23
- Irvan, Patrick C., V, 108
- Irvine, I, 74
- Irvine, Christopher, I, 205, 234
- Irvine, Estill County, I, 63, 112
- Irvine, William, I, 205
- Irvine's Station, I, 205
- Irwin, John L., III, 72
- Isaacs, John E., III, 471
- Isenberg, Ewen D., V, 351
- Ison, Charles S., V, 140
- Ison, Gideon D., III, 603
- Ison, Jeff, V, 565
- Ivy Mountain, II, 899
- Jackson, Andrew, I, 55, 437; II, 569, 570, 581, 592, 676, 682, 1107; people's president, II, 692; administration condemned, II, 703
- Jackson County, II, 1102, 1107
- Jackson, Dave, III, 374
- Jackson Democrats, II, 698
- Jackson, E. O., V, 541
- Jackson, Francis M., V, 511
- Jackson, George, III, 149
- Jackson, Hermon, V, 424
- Jackson, James M., V, 126
- Jackson, James S., V, 621
- Jackson, J. T., IV, 39
- Jackson, Otis W., V, 266
- Jackson party, II, 574, 683, 704
- Jackson Purchase, I, 52, 56, 519; II, 592, 658, 690, 702, 1029
- Jackson, Robert L., III, 33
- Jackson, William Z., II, 1192; V, 475
- Jacksonian Democrats, II, 682
- Jacob, Charles D., IV, 630
- Jacob, Richard T., II, 897, 1002
- Jacobs, George H., IV, 400
- Jacoby, Jacob W., IV, 309
- Jacoby, James S., III, 556
- Jacoby, Milton R., III, 557
- Jaggers, Woodford K., IV, 524
- James, B. M., V, 219
- James, David H., III, 394
- James, Edward H., V, 508
- James, Hobson L., III, 302
- James, John G., III, 394
- James, J. W., V, 475
- James, Ollie M., II, 1015, 1092
- Jamieson, D. Harry, IV, 390
- Jansen, Henry, III, 124
- January, Andrew M., III, 588
- January, E. B., IV, 114
- January's tavern, II, 1191
- Jarvis, Arthur B., III, 224
- Jarvis, R. N., IV, 499
- Jasper, Henry C., III, 250
- Jasper, Robert F., III, 425
- Jay, John, I, 356
- Jay, John, Treaty, I, 240, 242, 357, 373, 403, 471; II, 1064
- Jeffers, John W., III, 466
- Jefferson County, I, 200, 290; II, 834, 1099, 1107
- Jefferson, Shadrach, I, 126
- Jefferson, Thomas, I, 167, 176, 323, 423, 524; election of, I, 474; II, 633, 1063
- Jeffersonian principles, II, 674
- Jeffries, James H., III, 445
- Jenkins, Arthur, V, 516
- Jenkins, Judson C., V, 510
- Jenkins, Thomas E., III, 163
- Jennie's Creek, I, 144, 156
- Jennings, C. E., V, 343
- Jessamine County, I, 209, 528; II, 1101, 1107
- Jessamine Dome, II, 1017
- Jesse, William A., III, 352
- Jett, Garrett, III, 406
- Jett, George A., V, 270
- Jett, Nelson A., III, 108
- Jewell, Carlos L., IV, 518
- Jillson, Willard R., II, 749, 997, 1031, 1034; V, 14
- Jochum, George E., III, 283
- Jochum, John, III, 282
- Jochum, Louis, III, 282
- Johns, Albert, IV, 11
- Johns, Charles A., IV, 10
- John's Creek, I, 136, 153, 154
- Johnson, Andrew J., V, 420
- Johnson, A. R., II, 904
- Johnson County, I, 118, 140, 147, 158; II, 1102, 1107
- Johnson, Curtis B., V, 641
- Johnson, Ella, III, 569
- Johnson, Frank L., III, 385
- Johnson, Gabriel, I, 303
- Johnson, George D., III, 610
- Johnson, George F., IV, 637
- Johnson, George W., II, 811, 872, 887
- Johnson, Goalder, IV, 386
- Johnson, Green L., IV, 261
- Johnson, Guy, I, 51

- Johnson, Jack S., V, 259  
 Johnson, James, II, 582, 689  
 Johnson, James B., III, 268  
 Johnson, James M., V, 92  
 Johnson, James W., III, 88  
 Johnson, Jesse M., IV, 343  
 Johnson, Jesse R., V, 272  
 Johnson, John M., V, 349  
 Johnson, John T., II, 646  
 Johnson, J. Keller, IV, 586  
 Johnson, Lemuel, I, 127  
 Johnson, Lewis Y., IV, 63  
 Johnson, Lonie W., V, 548  
 Johnson, Madison C., II, 755; V, 626  
 Johnson, Marion E., V, 268  
 Johnson, Oscar M., V, 580  
 Johnson, Otto E., V, 129  
 Johnson, Richard M., I, 467, 546, 549, 552, 557, 560, 561; II, 701, 713, 730, 732, 783, 792, 831, 1059, 1068, 1083, 1093, 1107  
 Johnson, Robert, I, 214  
 Johnson, Samuel, I, 194  
 Johnson, Sir William, I, 50  
 Johnson, Uncle Barney, I, 127  
 Johnson's Station, I, 205  
 Johnston, Albert S., II, 887; birthplace of (view), II, 1203  
 Johnston, John P., III, 354  
 Johnston, J. Stoddard, II, 1053; III, 110  
 Johnston, J. Stoddard, Jr., III, 111  
 Johnston, Philip P., III, 354  
 Johnston, Philip P., Jr., IV, 148  
 Johnston, Robert, I, 270  
 Johnstone, Arthur W., V, 115  
 Johnstone, Alice, V, 116  
 Johnstone, Lucy A., V, 463  
 Jones, Abner C., V, 517  
 Jones, Beverly P., V, 420  
 Jones, Edward S., V, 25  
 Jones, Fred A., V, 188  
 Jones, Gabriel John, I, 170, 174  
 Jones, George F., III, 216  
 Jones, George K., III, 493  
 Jones, Gorman, III, 235  
 Jones, Guy M., V, 153  
 Jones, John, V, 509  
 Jones, John R., V, 385  
 Jones, Joseph F., V, 446  
 Jones, Joseph R., IV, 280  
 Jones, Julia E. H., IV, 488  
 Jones, J. Everett, V, 588  
 Jones, J. R., II, 1187  
 Jones, Kate, IV, 272  
 Jones, Marcus A., III, 186  
 Jones, Mary L. (Eubanks), V, 153  
 Jones, Patrick M., III, 586  
 Jones, R. M., V, 107  
 Jones, Samuel E., III, 543  
 Jones, Thomas L., II, 849  
 Jones, Thomas J., IV, 610  
 Jones, Thomas R., V, 235  
 Jones, T. C., II, 1000  
 Jones, Veachel Holman, IV, 501  
 Jones, Walter M., IV, 232  
 Jones, William Holman, IV, 217  
 Jones, William Henry, IV, 443  
 Jones, William M., Sunny Valley Farm, IV, 147  
 Jones, William M., V, 447  
 Jones, William W., V, 11  
 Jones, W. B., III, 177  
 Jordan, Charles R., IV, 321  
 Jouett, Edward S., III, 157  
 Judge, Robert C., IV, 106  
 Judges, under first constitution, I, 283; new, II, 636  
 Judicial District of Kentucky, I, 290  
 Judicial salaries, I, 483  
 Judicial system, I, 399, 480  
 Judicial tyranny, II, 627  
 Judiciary, state, I, 310, 400; reorganization of, I, 311; struggle against, II, 623; Federal, II, 654; on slavery, II, 833; under Third Constitution, II, 836  
 Judy, William D., V, 287  
 Justice, M. C., V, 345  
 Justice, Robert B., V, 548  
 Justice, W. H., V, 548  
 Kagin, Carl, V, 164  
 Kanawha River, I, 48  
 Kane, Edward, IV, 153  
 Kane, Elizabeth M., IV, 153  
 Kane, John E., III, 530  
 Kansas-Nebraska bill, II, 844  
 Karnes, Ernest, IV, 391  
 Karsner, Albert C., IV, 201  
 Kasey, Arthur R., IV, 413  
 Kash, William L., IV, 622  
 Kaskaskia, I, 177  
 Katterjohn, Charles A., IV, 301  
 Kaufman, Moses, III, 351  
 Kaufmann, Robert J., III, 410  
 Kavanaugh, Hubbard H., II, 764  
 Kearns, B. F., IV, 280  
 Keeley, James E., V, 524  
 Keen, Edward J., III, 514  
 Keen, George R., V, 416  
 Keen, Sanford, II, 1192  
 Keen, William C., V, 489  
 Keene, John, III, 486  
 Keene, Robert P., III, 328  
 Keeney, Jacob H., V, 266  
 Kehoe, J. N., II, 1184, 1186  
 Keith, Lula D., III, 122  
 Keith, Pendleton F. D., III, 122  
 Kellar's Bridge, II, 903  
 Kellar's Station, I, 205  
 Kellenaers, Theophilus, III, 203  
 Keller, David A., IV, 145  
 Keller, Ferdinand, III, 184  
 Keller, John A., III, 184  
 Kelley, Elihu, IV, 505  
 Kelley, John S., V, 293  
 Kelley, H. Lee, V, 250  
 Kelley, Manford F., III, 526  
 Kelley, J. Robert, IV, 102  
 Kelly, Benjamin F., V, 206  
 Kelly, Edward P., III, 331  
 Kelly, Griffin, III, 109  
 Kelly, Martin T., IV, 123  
 Kemp, William C., III, 174  
 Kemper, Maury, IV, 197  
 Kendall, Amos, I, 533; II, 580, 621, 622, 686, 690, 692, 757  
 Kendrick, Tobias J., V, 265  
 Kennedy, John, I, 194  
 Kennedy, John F., IV, 303  
 Kennedy, Thomas, I, 284; V, 566  
 Kennedy, William, I, 234  
 Kennedy's Station, I, 205  
 Kennett, William L., III, 72

- Kenney, Andrew, III, 197  
 Kenney, William, IV, 291  
 Kenton, I, 178, 184  
 Kenton County, II, 1101, 1107  
 Kenton, Joe W., V, 580  
 Kenton, John T., IV, 280  
 Kenton, Simon, I, 149, 173, 177, 205, 210, 292; II, 746, 1107; (portrait), 1108  
 Kenton's Station, I, 205  
 Kentuc riverman, I, 294  
 Kentucke, I, 243  
 Kentuckians, cradled in war, I, 296; hostile to Indians, I, 378; oppose war with France, I, 411; threat of war on New Orleans, I, 428; foreign sympathies of, I, 472; and free trade, I, 505; in battle of Tippecanoe, I, 548; comprise Harrison's army, I, 561; in battle of New Orleans, I, 565; at battle of New Orleans, II, 569; sympathy for Ireland, II, 785; and Creek War for independence, II, 785; character of, II, 788; characteristics, II, 790; convivial nature of, II, 791; opposed to immediate emancipation, II, 801; in the Texas Revolution, II, 821; at home and abroad, II, 995; individualists, II, 1061; ancestry of, II, 1205  
 Kentucky, meaning of, I, 1; factors in settlement, I, 161; land companies, I, 162; first civil government, I, 166; and the Revolutionary war, I, 167; attempts at independent government, I, 169; county of, I, 171; a state-maker, I, 172; in the Revolution, I, 173; saved by Clark's campaign, I, 180; in 1779-80, I, 182; after the Revolution, I, 185; honored dead of, I, 193; early settlements in, I, 200; land titles, I, 212; separation from Virginia, I, 221; bar, I, 214; statehood conventions in, I, 226; democratic usages in, I, 228; secession from the Confederation, I, 236; Spanish intrigues in, I, 239; absolute independence for, I, 239; trade down the Mississippi, I, 240; international situation of, I, 245; attitude to Federal Constitution, I, 253; shades of opinion in 1788, I, 260; leading men in 1789, I, 270; a living democracy, I, 280; separation movement in, I, 272; first constitution of, I, 279; plan of first state government, I, 282; admitted to Union, I, 285; settlement of, I, 287; sources of early population, I, 289; character and society at the beginning of statehood, I, 286; population at statehood, I, 292; attraction for young lawyers, I, 293; frontier life, I, 294; edition deluxe of Virginia, I, 294; progress in, 1775-1792, I, 297; and the French Revolution, I, 319; the French enterprise in, I, 325; Volunteers for Louisiana Campaign, I, 330; interest in expedition against Louisiana, I, 341; and the Federal government on the opening of the Mississippi, I, 346; volunteers for Wayne's Indian campaign, I, 354; indignation over Jay Treaty, I, 357; second separation movement, I, 364; separation from the Union, plans for, I, 370; tires of Spanish plots, I, 373; pivot of Spanish plots, I, 375; campaigns against Indians, I, 376; troops for Wayne's Indian campaign, I, 387; part in the development and defense of the West, I, 389; second constitution of, I, 390; Federal relations of, I, 403; alien and sedition law in, I, 408; resentment toward New England States, I, 422; and the Louisiana Purchase, I, 424; troops to take possession of Louisiana, I, 430; security due to Louisiana purchase, I, 431; and the Aaron Burr conspiracy, I, 434; loyalty to the Union, I, 457; political parties, I, 469; at beginning of 19th century, I, 485; agriculture, I, 499; manufacturing, I, 501; domestic and foreign manufactures, I, 506; banking, I, 511; boundary disputes, I, 516; character, distinct from old states, I, 524; social and intellectual progress, I, 524; in the War of 1812, I, 545; volunteers in War of 1812, I, 553, 556; militia in battle of Lake Erie, I, 560; attitude toward peace in 1814, I, 563; character and the War of 1812, II, 569; leading power in West, II, 574; patriotism, II, 577; decade following War of 1812, II, 647; land office warrants, II, 658; conflict with United States Supreme Court, II, 666; a border state, II, 697; pivotal state, II, 702; and nullification, II, 705; reply to nullification, II, 708; relations with Southern States, II, 708; opposed to political tyranny, II, 784; interest in Cuban liberation, II, 785; slavery in, II, 796; common interest with slave holding states, II, 804; in national affairs, II, 820; in Mexican War, II, 826; devoted to the Union, II, 838; a democratic state, II, 849; and secession, II, 853; neutral at beginning of Civil War, II, 855; declares for the Union, II, 858; trade relations with North and South, II, 859; geographic position, II, 864; final position in the Civil War, II, 866; commerce in war times, II, 868; a difficult problem to Federal government, II, 873; Confederate trade in, II, 875; supplies for Northern and Southern armies, II, 877; a conquered province, II, 878; commercial relations during the war, II, 883; anomalous position in war times, II, 884; civil and military affairs during Civil War, II, 885; battlefield between the sections, II, 887; loyal government of, II, 888; reorganized war government, II, 891; Morgan's raids in, II, 892; freed from Confederate occupation, II, 893; guerrilla warfare in, II, 894; under martial law, II, 897; military measures in 1864, II, 898; Civil war battles in, II, 899; Union officers in, II, 905; effects of the Civil War, II, 906; opposed to Northern radicalism, II, 912; in hands of the rebels, II, 915; rivalry between Louisville and Cincinnati, II, 926; commerce centers at Louisville, II, 931; situation

- for river or railway traffic, II, 985; since the Civil War, II, 987; character of, II, 995; geology, II, 1016; list of governors, II, 1071; secession and Clay, II, 1069; U. S. Senators in, II, 1082; county names and divisions, II, 1099; officers in Civil War, II, 1114; battles of Civil War in, II, 1155; history of tobacco, II, 927, 1162; production of tobacco in, II, 1173; tobacco industry, II, 1177
- Kentucky and Great Eastern Railroad, II, 734
- Kentucky Abolition Society, I, 543; II, 798, 799, 801
- Kentucky Academy, I, 528; II, 1051
- Kentucky boat, I, 380, 490
- Kentucky Branch of Tammany, II, 675
- Kentucky Central Railroad, II, 734, 940, 942, 951, 955, 969
- Kentucky code, I, 541
- Kentucky Colonization Society, II, 798
- Kentucky Common School Society, II, 763
- Kentucky County, I, 216, 290; II, 1099
- Kentucky courts, II, 965
- Kentucky delegates, opposed to Federal Constitution, I, 253
- Kentucky Democratic Society, I, 351, 356
- Kentucky Democracy, I, 474
- Kentucky District, commercial interests of, I, 226
- Kentucky Educational Society, II, 762
- Kentucky Federalists, I, 475
- Kentucky Female Orphan School, III, 569
- Kentucky Gazette, I, 229, 243, 306, 532
- Kentucky Geological Survey, historical sketch of, II, 1031, 1033
- Kentucky Herald, I, 532
- Kentucky Historical Society, II, 771; library of, II, 773
- Kentucky Insurance Company, I, 444, 511, 513; II, 599
- Kentucky journalism, II, 774
- Kentucky Light Artillery, batteries and officers, II, 1142
- Kentucky Manufacturing Society, I, 300
- Kentucky mountaineer, II, 1207
- Kentucky Regiments, Confederate, names of field officers, II, 1151
- Kentucky Reporter, II, 573
- Kentucky Resolutions, II, 1063
- Kentucky resolutions against Great Britain, I, 550
- Kentucky Resolutions of 1798, I, 416; foundation and inspiration of the doctrine of state rights, I, 420
- Kentucky River, I, 12, 54, 137, 160, 164, 289, 493; commerce stopped at New Orleans, I, 426; II, 725, 740, 746, 931, 940, 999, 1037; (view), II, 748
- Kentucky River Company, I, 494
- Kentucky salt, II, 746
- Kentucky School for the Deaf (views), II, 780, 782
- Kentucky Society for Promoting Useful Knowledge, I, 303
- Kentucky Society for the Encouragement of Domestic Manufacture, II, 600
- Kentucky Society for the Relief of the State from Slavery, II, 800
- Kentucky State Agricultural Society, II, 741
- Kentucky State Capitol (view), II, 986
- Kentucky Teachers' Association, II, 768
- Kentucky telegraph, I, 532
- Kentucky Temperance Society, II, 795
- Kentucky tobacco, II, 927, 1112, 1173, 1177
- Kentucky University, II, 1058; (view), II, 991
- Kentucky vs. Dennison, II, 808
- Kentucky Wesleyan College, IV, 180
- Kerkow, Paul E., V, 235
- Kerr, Charles, II, 1070; V, 646
- Kerr, J. W., V, 106
- Kerr, Roscoe I., V, 413
- Kerr, Victor, II, 786
- Kessinger, Benjamin L., IV, 525
- Kessinger, Robert, IV, 534
- Keune, Fred, Sr., V, 539
- Keys, Ben B., IV, 363
- Kidd, James S., IV, 295
- Kilgore's Station, I, 205
- Kimbrough, Daniel R., IV, 283
- Kimbrough, William L., V, 459
- Kincheloe, Allen L., III, 51
- Kincheloe, Allen R., III, 331
- Kincheloe, John E., III, 273
- Kincheloe, William P., IV, 53
- Kincheloe's Station, I, 205
- King, B. B., V, 205
- King, J. D., and Son, III, 531
- King, O. F., III, 531
- King, Sam F., III, 373
- King Solomon, II, 752
- King, Thomas E., V, 61
- King, W. N., IV, 11
- Kington, W. W., V, 172
- Kinthead, William B., II, 811, 914
- Kinnaird, James B., III, 257
- Kinne, William A., V, 440
- Kirby, Samuel B., IV, 77
- Kirk, Andrew J., V, 574
- Kirk, Aretaeus, III, 64
- Kirk, McClellan C., V, 577
- Kirkland, Robert R., V, 328
- Kirkpatrick, M. L., II, 1187
- Kirksey, John F., V, 544
- Klair, William F., IV, 171
- Kloecker, John, III, 174
- Kitchen cabinet, II, 692
- Knight, Carrie C., III, 342
- Knight, James, III, 341
- Knob Lick, I, 205
- Knobs Region, II, 1021
- Knott County, II, 1102, 1107
- Knott, J. Proctor, II, 988, 1002, 1072, 1079, 1107
- Knox, A. T., V, 312
- Knox County, I, 489; II, 1101, 1107
- Knox, James, I, 202
- Knox, James H., III, 59
- Knox, John W., V, 20
- Know-Nothing Convention, II, 846
- Know-Nothing party, II, 845, 848
- Koett, Albert B., IV, 54
- Korb, Shelby M., III, 106
- Krock, Arthur, II, 1183; IV, 42
- Ku Klux Klan, II, 913, 1001
- Kumbrough, John T., V, 559
- Kuykendahl's Station, I, 205
- Kyle, Andrew G., IV, 258

- Labor conditions, II, 599, 906  
 Labor shortage, II, 594  
 Labor situation in 1800, I, 503; after the Civil War, II, 920, 995  
 Laboring class, II, 999  
 Lackey, W. H., V, 318  
 Lacy, Daniel G., IV, 631  
 Lacy, James A., III, 610  
 Lacy, Minnie W., III, 610  
 Lafayette, General, II, 786, 1192  
 Lafayette Academy, II, 787  
 Lafferty, William T., IV, 121  
 Lafferty, Mrs. W. T., I, 219; II, 1188  
 Lair, Frank, III, 55  
 Lamar, Edmund N., III, 332  
 Lancaster, Joe, V, 92  
 Lancaster Exporting Company, II, 603  
 Land, Charles, III, 397  
 Land Claim Court, I, 215  
 Land claims, three classes of, I, 212, 310  
 Land, George, III, 149  
 Land grants, II, 724  
 Land, Headley, III, 149  
 Land laws of 1779, I, 212, 293; inherited from Virginia, II, 658; Supreme Court's decision, II, 661  
 Land litigations, II, 656  
 Land of Tomorrow, I, 56  
 Land office, first, I, 167  
 Land policy of Virginia, I, 171  
 Land prices, II, 593  
 Land problems, cause for separation from Virginia, I, 223  
 Land speculation, I, 214, 276, 487  
 Land system, I, 212, 486, 488  
 Land tenure, after Supreme Court's decision, II, 671  
 Land tenure laws, II, 655  
 Land titles, confusion of, I, 214; uncertainty of, II, 656; in general, II, 1026  
 Land warrants, I, 213, 299, 511  
 Lands, I, 499  
 Lane, Joseph H., IV, 37  
 Lang, James M., V, 339  
 Lang, Martin, IV, 295  
 Langan, John J., III, 258  
 Larkin, John C., IV, 125  
 Larkin, Prestley, I, 128  
 Larkin, William R., IV, 130  
 Larue County, II, 1102, 1109  
 Larue, John, II, 1109  
 LaRue, John F., IV, 562  
 Lasley, John B., V, 458  
 Laslie, Theophilus A. H., III, 490  
 Laswell, Floyd J., IV, 262  
 Laswell, William D., V, 64  
 Laughlin, Samuel D., III, 414  
 Laurel Bridge, II, 899  
 Laurel County, I, 117; II, 996, 1101, 1109  
 Lavin, W. J., IV, 16  
 Law, occupying claimant, II, 659  
 Law school, II, 1053  
 Law School of Transylvania College, II, 755  
 Law suits, I, 480, 525  
 Lawless, Henry, I, 58  
 Lawless, Lee A., III, 533  
 Lawlessness, II, 1012  
 Lawrence County, II, 1101, 1109  
 Lawrence, Henry R., IV, 462  
 Laws, criminal, I, 312; reform in, I, 479; for relief of settlers, I, 489; English precedents forbidden, I, 547; regulating elections, II, 778; for fugitive slaves, II, 805; against Confederate sympathizers, II, 890  
 Lawyer, every man his own, I, 479  
 Lay, Lewis P., III, 232  
 Layman, J. R., IV, 614  
 Layman, Reason T., III, 321  
 Layne, Will H., IV, 468  
 Lazarus, Joseph, IV, 62  
 Leach, Ambrose D., V, 62  
 Leach, George T., IV, 409  
 Leach, Jesse A., V, 132  
 Leach, Joseph L., V, 524  
 Leach's Station, I, 205  
 Leachman, George C., IV, 5  
 Lead mines, I, 150  
 Le Bus, Clarence, IV, 107  
 Le Bus, Frank, V, 182  
 Le Bus, Joseph F., V, 180  
 Lebanon, II, 893, 903, 929  
 LeCompte, Joseph, IV, 188  
 LeCompte, Louis, V, 165  
 Lederer, John, I, 42  
 Lee County, II, 1102, 1109  
 Lee, Charles H., V, 213  
 Lee, D. Collins, IV, 218  
 Lee, E. S., V, 294  
 Lee, Hancock, I, 206  
 Lee, Harrison, V, 138  
 Lee, Henry, I, 206, 270  
 Lee, Miles E., V, 366  
 Lee, Richard, I, 67  
 Lee, Richard H., I, 289  
 Lee, Robert E., II, 1109  
 Lee, Thomas, I, 67  
 Leek, John W., IV, 300  
 Leestown, I, 206, 309  
 Lee's Station, I, 206  
 Legerwood's Bend, I, 309  
 Legislation, special, II, 954; local option, II, 992  
 Legislative bills, II, 834  
 Legislative department, under Third Constitution, II, 835  
 Legislative power, division of, I, 281  
 Legislative representation of Kentucky County, I, 216  
 Legislature and the Federal authorities, II, 889  
 Legislature, composition of, I, 282; first state, I, 307; salaries, I, 315; on Mississippi River Navigation, I, 353; of 1817, II, 589; resolutions of 1819, II, 605; of 1819, II, 608; impeachment of Judge Clark, II, 624; resolution of 1821, II, 662; of 1842, II, 720; general ability of, II, 779; right of, to borrow, II, 834; powers of, II, 836; session of 1860-61, II, 854; special session of 1862, II, 891; of 1867, II, 916; of 1871, II, 981; contest of 1900, II, 1010  
 Lehr, Borgias, V, 237  
 Leitch, David, I, 206  
 Leitch's Station, I, 206  
 Lemon, Clay G., IV, 320  
 Lemon, James R., IV, 319  
 Lenton, Matthew A., IV, 362  
 Leopold, Lawrence S., IV, 33  
 Leslie County, II, 1102, 1109  
 Leslie, G. W., IV, 620  
 Leslie, John E., V, 130

- Leslie, Preston H., II, 919, 980, 1072, 1078, 1109  
 Letcher County, II, 1102, 1109  
 Letcher, Robert P., II, 714, 717, 729, 730, 844, 1071, 1075, 1109  
 Letterle, John L., III, 163  
 Letton, John Will, IV, 284  
 Letton, John W., V, 17  
 Letton, Lou P., IV, 284  
 Le Vesque, Henry C., IV, 299  
 Le Vesque, May, IV, 299  
 Levi, Clyde R., V, 595  
 Levick, H. R., Jr., III, 169  
 Levisa, I, 12, 137  
 Lewis, Andrew, I, 95  
 Lewis County, II, 1101, 1109  
 Lewis, George, I, 207  
 Lewis, Henry H., IV, 8  
 Lewis, Isaac N., V, 575  
 Lewis, James, V, 628  
 Lewis, James P., IV, 340  
 Lewis, James W., III, 305  
 Lewis, Joseph H., II, 1144  
 Lewis, Meriwether, II, 1109  
 Lewis, Preston O., V, 521  
 Lewis, Samuel D., III, 44  
 Lewis, Thomas, I, 135, 284  
 Lewis, William, I, 555; III, 504  
 Lewis' Station, I, 206  
 Lexington, I, 162, 194, 206, 207, 219, 243, 280, 289, 291, 295, 296, 303, 305, 307, 309, 310, 320, 356, 398, 405, 438, 453, 488, 499, 504, 508, 532, 535, 551; manufacturing, I, 503; original court house at, I, 308; social center, I, 524; in 1817, I, 525; II, 580, 592, 593, 595, 600, 611, 630, 651, 680, 695, 704, 710, 715, 721, 723, 727, 728, 730, 732, 733, 740, 741, 763, 787, 797, 821, 841, 877, 881, 887, 918, 970, 976, 982, 992, 1058, 1167, 1181, 1191; social and intellectual center, II, 743; view of, II, 744; during cholera epidemic, II, 750; C. M. Clay case, II, 810  
 Lexington & East Tennessee Railroad, II, 950  
 Lexington and Frankfort Railroad, II, 732  
 Lexington and Ohio Railroad, II, 731  
 Lexington Daily Leader, The, III, 352  
 Lexington Dry Goods Company, III, 148  
 Lexington Emigration Society, I, 486  
 Lexington Granite Company, III, 173  
 Lexington Herald, I, 357  
 Lexington Hospital, II, 781  
 Lexington Library, I, 531  
 Lexington Society, II, 789  
 Lexington Utilities Company, III, 97  
 Liberty Fort, I, 206  
 Libraries, II, 772  
 Licking Associating of Particular Baptists, I, 543  
 Licking River, I, 13, 186, 493; II, 726  
 Licking Station, I, 206, 293  
 Lieutenant governor, I, 282, 400  
 Light, W. T., IV, 288  
 Lightning-rod agents, II, 993  
 Ligon, Moses E., III, 199  
 Lile, Arthur, IV, 568  
 Liles, Erwin B., IV, 113  
 Lillard, Charles K., V, 282  
 Lilly, Grant E., III, 314  
 Limestone, I, 297, 379  
 Limestone Creek, I, 173, 184  
 Limestone formations, I, 288  
 Lincoln, Abraham, II, 656, 852, 856; (portrait), 861; II, 863, 879; vote for, in 1864, II, 898; birthplace of (view), II, 1104  
 Lincoln, Benjamin, II, 1109  
 Lincoln County, I, 202, 203, 290, 301; II, 1099, 1109  
 Lincoln guns, II, 886  
 Lincoln Memorial (view), II, 1104  
 Lincoln, Walter P., IV, 56  
 Lindsay, G. W., IV, 547  
 Lindsay, Horace C., IV, 478  
 Lindsay, Joseph, I, 193  
 Lindsay, William, II, 1085, 1093  
 Lindsay, William O., IV, 227  
 Lindsay's Station, I, 206  
 Lindsey, John B., Sr., IV, 315  
 Lindsey, John B., Jr., IV, 318  
 Lindsley, Philip, II, 1054  
 Linen manufacture, I, 506  
 Link, William F., IV, 115  
 Linn, Cyrus H., V, 504  
 Linnemann, J. B., IV, 241  
 Linn's Station, I, 206  
 Lisanby, Rufus W., III, 429  
 Lisle, Rufus, III, 243  
 Lisle, Virginia, III, 244  
 Lisman, Marion R., IV, 321  
 Literary culture, I, 531  
 Literary fund, II, 759  
 Literature, II, 995, 1208  
 Littell's Station, I, 206  
 Little, Lucius F., III, 274  
 Little, Lucius P., III, 274  
 Little, Luther C., III, 230  
 Little Fort, I, 206  
 Little Mudlick Creek, I, 149  
 Littlepage, William, I, 77  
 Live stock, II, 740  
 Livestock business, II, 920  
 Livestock export, II, 742  
 Livestock trade with South, II, 708  
 Livingston, Allen, IV, 500  
 Livingston, Ova B., V, 176  
 Livingston County, II, 1100, 1109  
 Lloyd, Arthur L., V, 144  
 Lloyd, Robert E., III, 535  
 Lockhart, Charles J., III, 61  
 Lockhart, George C., III, 57  
 Loftus, M. E., IV, 600  
 Locust Thicket Fort, I, 206  
 Logan, I, 184  
 Logan, Benjamin, I, 187, 193, 206, 227, 234, 270, 315, 328, 382; II, 629, 1050, 1109  
 Logan College for Young Women, IV, 492  
 Logan County, I, 489, 537; II, 1100, 1109  
 Logan, James L., IV, 289  
 Logan, John, I, 264, 376, 469  
 Logan, John A., II, 786; V, 437  
 Logan, Leslie, III, 457  
 Logan, Marvel M., IV, 28  
 Logan, Thomas L., V, 385  
 Logan, William, I, 494; II, 1083, 1094  
 Logan's Fort, I, 175, 206; II, 1041  
 Logsdon, William J., III, 239  
 Logging Scene, Lee County (view), II, 748

- London, seat of government, II, 1010  
 London, Willis, III, 557  
 Long, Carl L., V, 23  
 Long, Charles R., Jr., III, 146  
 Long, Edward H., III, 153  
 Long, George, IV, 361  
 Long, George C., IV, 104  
 Long Hunters, expedition, I, 160  
 Long, Nimrod, IV, 433  
 Long, W. A., IV, 60  
 Loomis, Arthur, IV, 23  
 Loomis, Ezra E., III, 383  
 Looney, James T., IV, 96  
 Looney's Gap, I, 59  
 Looseleaf markets, II, 1179  
 Lopez expeditions, II, 785  
 Lottery, I, 494, 529; II, 724, 764, 1005, 1050  
 Loudon's Station, I, 206  
 Louisa, I, 86, 98  
 Louisa Company, I, 162, 163  
 Louisa Fork, I, 12, 127  
 Louisa River, I, 64, 137, 145, 148, 153  
 Louisiana, French scheme for the conquest of, I, 325  
 Louisiana cession, I, 429  
 Louisiana Purchase, I, 424  
 Louisiana territory, I, 373  
 Louisville, I, 162, 177, 182, 184, 185, 203, 206, 216, 218, 219, 289, 296, 297, 299, 302, 309, 488, 533; II, 593, 611, 651, 676, 695, 702, 709, 721, 722, 727, 728, 740, 781, 786, 834, 845, 848, 862, 883, 892, 899, 913, 924, 926, 958, 962, 966, 972, 984, 996, 1009, 1172, 1180; city currency, II, 616; opposition to railroads, II, 731; commercial center of state, II, 743; during Civil War, II, 881; wholesale and manufacturing, II, 927; burden of railroad building, II, 931; a Southern city, II, 935; commercial position threatened, II, 959; first legislative victory against Cincinnati, II, 969; boycott by Central Kentucky, II, 970  
 Louisville aid to railroad building, II, 929  
 Louisville and Cincinnati, rivalry of, II, 925  
 Louisville & Chattanooga Grand Trunk Railroad, II, 960  
 Louisville & Frankfort Railroad Company, II, 732  
 Louisville & Nashville Railroad, II, 734, 736, 738, 863, 868, 880, 887, 923, 928, 932, 937, 943, 947, 965, 970, 985, 998  
 Louisville & Portland Canal Company, II, 727, 945  
 Louisville & Portland Railroad Company, II, 732  
 Louisville Bank of Kentucky, II, 710  
 Louisville banks, II, 1185  
 Louisville canal, II, 697  
 Louisville, Cincinnati & Lexington Railroad, II, 929  
 Louisville Commercial, II, 919  
 Louisville Commercial Bank, II, 603  
 Louisville Courier, II, 911  
 Louisville Gazette, I, 533  
 Louisville Herald, IV, 84  
 Louisville Journal, II, 911  
 Louisville Legion, II, 826  
 Louisville Legion in New York, 1889 (view), II, 827  
 Louisville Railroad connections, II, 926  
 Louisville Road, II, 928  
 Louisville, Short Line Railroad, II, 944  
 Louisville society and sports, I, 295  
 Lovell, Aden G., III, 36  
 Lovett, Henry H., IV, 476  
 Lovett, John G., IV, 425  
 Loving, William V., II, 846  
 Low Dutch Reformed believers, I, 214  
 Lower Blue Licks, I, 206  
 Loyal Land Company, I, 57  
 Loyalty, oaths of, II, 890  
 Luckey, William A., III, 55  
 Luigart, Flora, III, 185  
 Luigart, George, III, 185  
 Luker, Charles R., IV, 250  
 Lumber, II, 747  
 Lusk, Absalom, I, 153  
 Luten, Horace, V, 288  
 Luxon, William E., III, 246  
 Lydon, William, V, 343  
 Lyle, Robert B., V, 78  
 Lynch, John F., IV, 4  
 Lynch, Richard J., III, 481  
 Lynch's Station, I, 206  
 Lynchings, II, 1014  
 Lyne, Edmund, I, 216  
 Lyne, Sanford C., IV, 148  
 Lynn, James F., III, 195  
 Lyon, Albert P., IV, 492  
 Lyon County, II, 746, 1102, 1109  
 Lyon, Dandridge H., III, 522  
 Lyon, H. B., II, 1144  
 Lyon, Matthew, I, 435; II, 585, 1109  
 Lyons, G. R., IV, 334  
 Lyons, Henry, V, 146  
 Lyons, Samuel, V, 147  
 Lyons, William L., Jr., IV, 141  
 Lyttle, C. B., V, 451  
 Macartney, T. B., II, 1059  
 MacCready, Walter C., V, 608  
 Macey, Gus, IV, 146  
 Macdonald, James W., III, 125  
 Machen, Willis B., II, 987, 1000, 1085, 1094  
 Macht, James C., IV, 420  
 Mackoy, Harry B., III, 222  
 Mackoy, William H., III, 222  
 Madden, John E., III, 81  
 Maddux, Connell R., V, 537  
 Madison County, I, 164, 200, 201, 291, 490; II, 886, 1100, 1110  
 Madison, George, II, 582, 1071, 1073  
 Madison, James, I, 252  
 Maffett, Logan H., IV, 286  
 Maggard, Elijah H., V, 586  
 Maggard, Samuel D., III, 537  
 Magoffin, Beriah, II, 850, 853, 854, 885, 890, 891, 1072, 1077, 1110  
 Magoffin County, I, 63; II, 1102, 1110  
 Magraw, Norris C., V, 397  
 Magraw, Richard A., V, 380  
 Mahan, John B., II, 805  
 Mahon, James C., III, 173  
 Mahurin, Cumpton I., V, 38  
 Maloney, Richard, III, 284  
 Mail connections, I, 490  
 Mammoth Cave, II, 1023  
 Manchester, I, 206



- Mandan Indians, I, 36  
 Mann, Edward G. B., IV, 92  
 Mann, Fletcher, IV, 126  
 Mann, Harry F., V, 228  
 Mann, James H., Jr., III, 541  
 Mann's Lick, I, 206  
 Manning, Joseph A., III, 310  
 Manning, Lewis, V, 223  
 Manning, Peter F., IV, 337  
 Mansfield, Alderson D., V, 533  
 Mansfield, E. Morris, V, 241  
 Mansker, Gasper, I, 160  
 Manor, Jesse B., V, 244  
 Man o' War, V, 27  
 Manson, Lewis L., III, 134  
 Mantle, Irving W., III, 353  
 Mantz, Corydon F., V, 65  
 Manufactures, I, 300, 488, 526; salt, I, 300; II, 593, 743; iron, II, 745; tobacco, II, 1172  
 Manufacturing, II, 600, 739, 920  
 Manufacturing at Lexington, I, 503  
 Manufacturing industry in 1810, I, 504  
 Marble Creek Station, I, 207  
 Marcum, Cornelius, III, 257  
 Marcum, John R., III, 318  
 Marcum, Thomas D., IV, 181  
 Maret, James, IV, 195  
 Marion County, II, 1101, 1110  
 Mark, John F., V, 555  
 Markey, James B., IV, 491  
 Markey, Mrs. James N., III, 486  
 Marks, Samuel B., III, 390  
 Marrs, William, IV, 151  
 Marsee, Jackson, IV, 253  
 Marsee, Noah, IV, 253  
 Marsee, William R., V, 417  
 Marsh, Augustus F., IV, 303  
 Marsh John D., IV, 416  
 Marshall, Albert R., III, 185  
 Marshall County, II, 1102, 1110  
 Marshall, Humphrey, I, 253, 270; 303, 343, 354, 357, 363, 411, 448, 450, 453, 458, 462, 465, 468, 470, 471, 473, 475, 478, 505; II, 674, 754, 770, 826, 889, 892, 1061, 1065, 1082, 1094, 1144  
 Marshall, James P., III, 585  
 Marshall, John, I, 512; views on separation, I, 238; II, 659, 1010  
 Marshall, John J., II, 622, 647  
 Marshall, Louis, V, 292  
 Marshall, Martin P., II, 645  
 Marshall, Robert, II, 1052  
 Marshall, Thomas, I, 261, 262, 264, 270, 272, 279; II, 763, 1050; V, 620  
 Marshall, Thomas A., II, 755, 1058  
 Marshall, Thomas F., II, 811, 835, 837  
 Marshall, Thomas J., V, 43  
 Marshall, T. A., II, 730  
 Martial law, II, 895; in July, 1863, II, 881  
 Martin, Cambridge F., V, 566  
 Martin County, II, 1102, 1110  
 Martin, Elijah L., IV, 197  
 Martin, Felix J., V, 94  
 Martin, Flavious B., III, 578  
 Martin, George B., II, 1015, 1086, 1095; III, 560  
 Brown, George Burney, III, 266  
 Martin, George C., V, 195  
 Martin, George W., V, 94  
 Martin, Mrs. George W., V, 94  
 Martin, Harry H., III, 123  
 Martin, Henry H., III, 317  
 Martin, Henry L., III, 566  
 Martin, Henry L., Jr., III, 595  
 Martin, James H., V, 635  
 Martin, Jesse E., IV, 498  
 Martin, John, I, 207, 234  
 Martin, John, V, 135  
 Martin, John P., II, 1110  
 Martin, Leck, V, 542  
 Martin, Leslie, V, 429  
 Martin, Sue R., V, 94  
 Martin, Walter V., IV, 261  
 Martin, William C., IV, 485  
 Martin's Station, I, 183, 194, 207  
 Martinsburg, I, 488  
 Marvin, Charles E., V, 469  
 Maschinot, Raymond W. J., IV, 481  
 Mason, Brockman, III, 466  
 Mason County, I, 73, 115, 201, 202, 206, 210, 292; II, 812, 1100, 1110, 1172  
 Mason, Elijah F., IV, 280  
 Mason, George, I, 67, 176, 292; II, 1110  
 Mason, Robert M., V, 112  
 Mason, R. S., IV, 409  
 Mason, Silas B., III, 392  
 Mason, William H., V, 105  
 Massey, George T., IV, 594  
 Massey, Lewis D., V, 332  
 Massie, Robert E., III, 281  
 Massie, Robert K., IV, 84  
 Masterson's Station, I, 207  
 Material and intellectual progress, I, 297  
 Material development, I, 523  
 Matheny, John K., V, 99  
 Mather, Otis M., III, 318  
 Mather, William W., II, 747, 1031  
 Matlock, F. V., IV, 375  
 Mathews, Letcher, V, 262  
 Matthews, John D., II, 764  
 Matthews, Thomas H., III, 72  
 Mattingly, George, V, 77  
 Mattingly, Joseph M., V, 76  
 Mattison, Joseph E., V, 314  
 Maulding's Station, I, 207  
 Mauntel, Robert B., IV, 474  
 Maurer, John J., III, 412  
 Maxwell, Cicero, II, 905  
 Maxey, Sam, IV, 563  
 Maxwell Spring, I, 527, 563  
 May, Andrew J., III, 578  
 May, G. C., III, 421  
 May, William H., III, 129  
 May, Woodson, V, 190  
 Mayer, Jake, IV, 634  
 Mayes, Fred O., III, 561  
 Mayes, Mary W., III, 561  
 Mayfield, II, 875  
 Mayhugh, Elbert N., III, 497  
 Maynard, Hayes, IV, 374  
 May's Lick settlement, I, 207  
 Maysville, I, 193, 200, 205, 207, 219, 289, 292, 297, 486, 490; II, 680, 696, 715, 721, 722, 723, 727, 728, 750, 1181, 1191  
 Maysville & Lexington Railroad, II, 734  
 Maysville Road, II, 696, 697  
 McAdams, Charles C., III, 334  
 McAdams, George W., II, 828  
 McAdams, Harry K., IV, 174  
 McAdoo, Samuel, I, 537  
 McAfee brothers, I, 161  
 McAfee, Clinton F., V, 71

- McAfee, Robert B., II, 643, 692  
 McAfee's Station, I, 184, 206, 304  
 McAllister, J. Gray, III, 67  
 McBride, William, I, 193  
 McCabe, Eugene, IV, 534  
 McCabe, John W., III, 195  
 McCaffrey, Thomas J., IV, 470  
 McCall, David H., III, 497  
 McCampbell, Amos G., V, 157  
 McCarroll, Joe, Jr., IV, 87  
 McCary, Hugh, I, 196  
 McCauley, Harry S., IV, 278  
 McChord, Charles H., IV, 165  
 McChord, William C., V, 73  
 McClaid, Benjamin F., IV, 91  
 McClain, William P., III, 219  
 McClanahan, Perry, III, 599  
 McClarty, Clinton, II, 852  
 McClary, Herbert B., V, 457  
 McClean, Oscar R., III, 532  
 McClelland, Byron, III, 375  
 McClelland, Frances, III, 375  
 McClelland, Wallace, IV, 16  
 McClelland's Fort, I, 174, 207  
 McClintock, James D., V, 53  
 McClintock, Joshua, I, 126  
 McClintock, William G., IV, 98  
 McClung, John A., I, 188  
 McClure, Daniel E., III, 346  
 McClure, John E., V, 204  
 McClure, William B., III, 392  
 McComas, Less, V, 484  
 McConathy Family, IV, 329  
 McConathy, Martha, IV, 329  
 McConnell, Andrew, I, 194  
 McConnell's Station, I, 207  
 McCorkle, James, I, 77  
 McCorkle, William H., IV, 192  
 McCormack, Joseph N., IV, 454  
 McCormick Brothers, III, 38  
 McCormick, Charlie T., III, 530  
 McCormick, Clifford, III, 38  
 McCormick, Harry T., III, 38  
 McCormick, John T., III, 38  
 McCormick, Samuel E., III, 38  
 McCormick, Samuel T., III, 38  
 McCormick, William H., III, 38  
 McCormick's Station, I, 207  
 McCoun, Thomas B., V, 163  
 McCoy, G. R., IV, 544  
 McCoy, James L., V, 567  
 McCoy, John W., V, 230  
 McCoy, William R., V, 602  
 McCracken County, II, 593, 737, 1101, 1109  
 McCracken, Cyrus, I, 206  
 McCracken, Virgil, II, 1109  
 McCreary County, I, 55; II, 1102, 1109  
 McCreary, James B., II, 981, 991, 1001, 1015, 1022, 1078, 1086, 1094, 1109  
 McCreery, Thomas C., II, 916, 1084, 1094; III, 413  
 McCubbing, Isabelle, IV, 277  
 McCubbing, James, IV, 277  
 McCubbing, Margaret, IV, 277  
 McCulloch versus Maryland, II, 652  
 McCullough, James, I, 194  
 McDaniel, Levit H., IV, 388  
 McDermott, Edward J., III, 144  
 McDonald, Donald, III, 380  
 McDonald, Donald, Jr., IV, 216  
 McDonald, James I. (Lexington), III, 91  
 McDonald, James L. (Cynthiana), IV, 286  
 McDonald, John W., IV, 395  
 McDonald, V. C., IV, 334  
 McDonald, William H., III, 145  
 McDowell, Colonel, I, 561  
 McDowell, Carter L., V, 82  
 McDowell, Goodloe, IV, 188  
 McDowell, Mrs. Henry Clay, IV, 183  
 McDowell, John, I, 397  
 McDowell, Robinson A., IV, 200  
 McDowell, Samuel, I, 217, 227, 234, 254, 256, 264, 300, 303, 311, 428, 499, 511; II, 1050, 1052  
 McDowell, Thomas C., III, 3  
 McDowell, William, I, 303, 313  
 McDowell, William A., IV, 182  
 McDowell, W. C., II, 1186  
 McDyer, William L., IV, 604  
 McElroy, H. A., V, 464  
 McElroy, Lee D., IV, 412  
 McFadden's Station, I, 207  
 McFarland, James E., IV, 200  
 McFee's (James) Station, I, 206  
 McFerron, Robert L., III, 32  
 McGarry's Station, I, 175, 207  
 McGary, Hugh, I, 185, 189, 191, 194  
 McGary, Joseph R., III, 312  
 McGavock, James, I, 77  
 McGee, John, I, 538  
 McGee, L. W., V, 482  
 McGee, William, I, 538  
 McGee's Station, I, 207  
 McGeough, Thomas A., III, 209  
 McGrath, Frank R., V, 177  
 McGready, James, I, 537  
 McGregor, Thomas B., V, 360  
 McGuire, Henry S., IV, 276  
 McGuire's Station, I, 207  
 McHenry, John H., II, 900  
 McIntire, Ben, IV, 641  
 McIntyre, Malcolm W., IV, 225  
 McKee Brothers, IV, 147  
 McKee, Charles F., IV, 86  
 McKee, Frank, IV, 147  
 McKee, Henry C., IV, 585  
 McKee, James, IV, 147  
 McKee, John R., IV, 168  
 McKee, Lewis W., V, 172  
 McKee, Miles S., IV, 243  
 McKee Nannie L., IV, 243  
 McKee, Rob C., II, 833  
 McKee, Samuel, I, 438, 553  
 McKee William R., II, 826  
 McKenzie, James A., IV, 71  
 McKenney, John O., IV, 625  
 McKinley, Dixie, V, 127  
 McKinley's Blockhouse, I, 207  
 McKinney, May M. Faris, IV, 398  
 McKinney, Roy W., IV, 398  
 McKinney, Walter, III, 534  
 McKinney's Station, I, 207  
 McLane, Fred L., IV, 479  
 McLean, Alney, II, 1110  
 McLean County, II, 1102, 1110  
 McLemore, James, I, 130  
 McLeod, James (Paris), IV, 308  
 McLeod, James (Lexington), IV, 323  
 McMahan, Edgar T., V, 171

- McMeekin, Charles F., IV, 133  
 McMillan, Charles A., IV, 114  
 McMillan, Mrs. Charles S., IV, 567  
 McMillan, Mary C., IV, 568  
 McMillin, Benton, II, 1059  
 McMillin's Fort, I, 207  
 McMurtry, George E., III, 302  
 McMurtry, John, I, 193  
 McNeill, Dee L., V, 280  
 McPherson, J. E., IV, 111  
 McVey, Frank L., II, 992  
 Meacham, Charles M., III, 307  
 Meade County, II, 1101, 1110  
 Meade, David, I, 524  
 Meade, Fred, V, 456  
 Meade, James, II, 1110  
 Meade, Lloyd G., IV, 555  
 Meadow Creek, I, 61  
 Means, Harry L., III, 71  
 Medekle, Pylap, IV, 440  
 Medical department of Transylvania University, II, 1053  
 Medical Institute of Louisville, II, 1058  
 Medical profession, II, 769  
 Medical school, II, 754  
 Medley, Charles L., III, 96  
 Meece, Leonard E., IV, 447  
 Meek, James N., IV, 561  
 Meek, Zephaniah, I, 137  
 Meek's Station, I, 207  
 Mefford's Station, I, 207  
 Meisburg, Clarence T., IV, 264  
 Melton, Tony J., III, 37  
 Memminger, C. G., II, 716  
 Menageries, II, 793  
 Menaugh, Thomas L., IV, 261  
 Menefee, Richard H., IV, 26  
 Meng, Charles H., IV, 577  
 Mengel, Charles C., IV, 48  
 Menifee County, II, 1102, 1110  
 Menifee, Richard H., II, 1060, 1110  
 Menne, Frank A., III, 78  
 Menzies, John W., Jr., III, 100  
 Mercer, Claude, III, 271  
 Mercer County, I, 113, 201, 204, 206, 291, 540; II, 1100, 1110  
 Mercer, John, I, 67  
 Mercer Society for the Encouragement of Agriculture, I, 499  
 Merchants, II, 594; in Civil War time, II, 881  
 Meredith, Thomas O., V, 326  
 Merideth, Eugene L., IV, 526  
 Meriwether, David, II, 1084, 1095  
 Merkle, Carl J., V, 252  
 Merriman, W. M., V, 69  
 Merritt, Montgomery, III, 211  
 Meshew, Joshua W., V, 54  
 Messenger, Clarence O., V, 417  
 Metcalfe County II, 1102, 1110  
 Metcalfe, Thomas, II, 647, 686, 689, 690, 692, 705, 724, 730, 732, 752, 812, 1060, 1071, 1074, 1084, 1095, 1110  
 Meteer, Robert, IV, 166  
 Methodist Church, I, 535  
 Methodists, II, 794  
 Mexican war, II, 752, 825, 838  
 Meyering, Aloysius G., IV, 104  
 Michaux, Andre, I, 296, 325, 328, 333; mission to Kentucky, I, 323  
 Michaux, Francois, I, 214, 485, 525  
 Michler Brothers Company, V, 617  
 Michler, L. A., V, 618  
 Middleton, Anthony, V, 27  
 Middle Creek, II, 899  
 Middle Station, I, 207  
 Middlesboro, II, 1199, 1207  
 Middleton, Charles G., IV, 77  
 Middleton, William A., V, 335  
 Milam, James C., IV, 80  
 Milam, John W., V, 174  
 Milby & Henderson, IV, 385  
 Milby, Walter F., IV, 385  
 Miles, Ezra L., III, 91  
 Miles, Leon L., V, 17  
 Milford, I, 490  
 Military Board, II, 885, 888  
 Military control of elections, II, 896  
 Military interference with ballot box, II, 909  
 Military monument, II, 771, 772  
 Military preparations for War of 1812, I, 551  
 Military prowess of Kentuckians, II, 575  
 Military records, II, 1114  
 Military regime after the war, II, 906  
 Military service, I, 400  
 Military surveys, I, 161  
 Militia, I, 557; II, 584, 918  
 Militia laws, II, 772, 885, 891  
 Milius, William, III, 208  
 Milk sickness, II, 769  
 Millard, Frederick A., III, 573  
 Miller, Allen R., III, 282  
 Miller, Arthur H., II, 1016  
 Miller, Arthur M., III, 201  
 Miller, C. B., III, 425  
 Miller, Elizabeth B., V, 19  
 Miller, Emmett H., III, 176  
 Miller, Floyd E., III, 38  
 Miller, Harry B., IV, 162  
 Miller, James, V, 19  
 Miller, Joe H., III, 264  
 Miller, Matthias, III, 349  
 Miller, Nathaniel W., V, 125  
 Miller, Oliver, IV, 136  
 Miller, Perry B., IV, 27  
 Miller, Philmore J., III, 45  
 Miller, Reuben A., IV, 281  
 Miller, Robert H., III, 39  
 Miller, Samuel, II, 1206  
 Miller, Thomas A., V, 304  
 Miller, Thomas M., III, 348  
 Miller, Wilbur K., IV, 281  
 Miller, William E., V, 485  
 Miller, William J., III, 438  
 Miller's Station, I, 207  
 Mills, I, 503  
 Mills, Benjamin, II, 762  
 Mills, John C., III, 212  
 Mills, Milo S., V, 217  
 Mills, Vaught, IV, 488  
 Mill-dams, I, 493  
 Mill Spring, II, 888, 899  
 Mills' Station, I, 207  
 Milne, William B., III, 453  
 Milner, Charles W., IV, 18  
 Milton, Bushrod J., III, 381  
 Milward, William R., III, 178  
 Mimms, Frank W., IV, 20  
 Mims, Blanch, IV, 182  
 Mineral Springs, II, 792  
 Mineral waters, II, 1022  
 Mineral wealth, II, 749, 920

- Mines, II, 998  
 Mingo Chief Pluggy, I, 174  
 Mingo Indians, I, 32  
 Minor, Claude D., IV, 403  
 Minor, Henry B., IV, 418  
 Minor, Spence, IV, 326  
 Minter, Hampton F., III, 231  
 Mirror, The, I, 486, 532  
 Mississippi River, origin of word, I, 3, 240; navigation of, I, 265, 297, 300, 320, 346, 354, 355, 366, 568; closed to Kentucky trade, I, 426; II, 859, 925; Halley's expedition of 1791, II, 1174  
 Mississippi River Question, I, 269, 322  
 Missouri, name of, I, 13  
 Missouri Compromise, II, 804  
 Mitchell, Albert L., III, 560  
 Mitchell, Blaney C., III, 404  
 Mitchell, Granderson E., III, 272  
 Moberley, Thomas J., V, 553  
 Mobile & Ohio Railroad, II, 735, 923  
 Mobley, James C., III, 343  
 Moffett, Homer S., IV, 444  
 Monay, James, II, 1035  
 Money, I, 298; in pioneer times, I, 298; scarcity of, I, 502; II, 593, 987  
 Money mania, II, 602  
 Moneyhon, Jacob A., III, 405  
 Monied monopoly, II, 605  
 Monroe County, II, 892, 1101, 1110  
 Monroe, James, I, 235; II, 1192  
 Montgomery, Bradley B., III, 422  
 Montgomery, Charles F., V, 197  
 Montgomery County, I, 203; II, 1100, 1110  
 Montgomery, Edwin W., III, 304  
 Montgomery Family, I, 98  
 Montgomery, George, V, 242  
 Montgomery, Hugh, III, 493  
 Montgomery, John, I, 77, 95, 177, 334  
 Montgomery, John M., IV, 557  
 Montgomery, Seth, I, 126  
 Montgomery, Thomas, I, 553  
 Montgomery, William, I, 207  
 Montgomery's Station, I, 207  
 Montour, Andrew, I, 69  
 Monument erected to Boone, I, 491; II, 1045  
 Moody, William B., IV, 454  
 Moonlight schools, II, 991  
 Moonshining, II, 1026  
 Moore, Bacon R., IV, 593  
 Moore, B. H., III, 472  
 Moore, Carter P., V, 233  
 Moore, Charles W., IV, 36  
 Moore, Daniel L., V, 331  
 Moore Family, IV, 517  
 Moore, Francis M., V, 644  
 Moore, James, II, 1051, 1052  
 Moore, John W., V, 454  
 Moore, L. M., III, 332  
 Moore, Randolph G., IV, 440  
 Moore, Samuel J., III, 313  
 Moore, Thomas F., III, 450  
 Moore, Thomas P., II, 692, 714  
 Moore, William L., III, 444  
 Moore, William M., IV, 281  
 Moorman, Charles H., III, 65  
 Moorman, William R., III, 330  
 Moores, Harry, III, 230  
 Moral reform, II, 794  
 Morehead, Charles S., II, 712, 725, 734, 762, 846, 889, 1060, 1072, 1076  
 Morehead, James T., I, 191; II, 762, 763, 771, 806, 822, 1071, 1074, 1083, 1095  
 Moreland, R. E., III, 144  
 Morell, James M., V, 95  
 Morgan County, II, 1101, 1111  
 Morgan, George, I, 276  
 Morgan, James, I, 194  
 Morgan, Jesse, IV, 649  
 Morgan, John, II, 877, 887, 889, 901, 906, 1144; raids into Kentucky, II, 880, 892; capture of, II, 893  
 Morgan, John H. (portrait), II, 902  
 Morgan's Station, I, 207  
 Morgantown, II, 899  
 Morris, Jackson, III, 478  
 Morris, James M., V, 167  
 Morris, John H., IV, 293  
 Morris, John M., IV, 139  
 Morris, John T., II, 1055  
 Morris, Leslie W., V, 74  
 Morris, Thomas T., III, 125  
 Morris, Thomas W., IV, 97  
 Morris, William C., V, 257  
 Morrison College, II, 1058  
 Morrison, Isaac, I, 234  
 Morrison, James, II, 1055, 1056, 1064; V, 624  
 Morrow, Edwin P., II, 1015, 1072, 1081, 1207; III, 31  
 Morrow, Thomas Z., II, 1002  
 Morton, Frank A., V, 251  
 Morton, Jeremiah R., III, 150  
 Morton, Mary C. G., III, 151  
 Morton, Thomas, diary, I, 107  
 Morton, William (residence), III, 355  
 Mosby, William L., V, 41  
 Moseley, Charles J., III, 503  
 Moseley, George H., V, 469  
 Moseley, John C., III, 219  
 Moser, George, Jr., IV, 464  
 Moss, Aaron G., V, 77  
 Moss, Edwin S., III, 501  
 Moss, James L., V, 36  
 Moss, Marcellus J., Sr., III, 444  
 Mossing place, I, 63  
 Mound-builders, I, 16, 148  
 Mountaineers, II, 1026  
 Mountain people of Kentucky, II, 1204, 1206; ballad literature, II, 1208  
 Mountain region of Kentucky, II, 1025  
 Mount Sterling, I, 184; II, 611  
 Motts, John, I, 126  
 Moxley, Delozier, III, 76  
 Mud Garrison, I, 208  
 Muddy River Licks, I, 208  
 Mudlick creek, I, 147  
 Muhlenburg County, II, 999, 1028, 1101, 1111  
 Muir, Elizabeth A., III, 357  
 Muir, Mrs. H. Chrisman, III, 357  
 Muir, Wallace, III, 206  
 Muir, William T., IV, 19  
 Muldrow's Hill, II, 1021  
 Mullen, Junry D., IV, 235  
 Mulligan, James H., IV, 268  
 Mulligan, Kathleen, IV, 270  
 Mullins, Cam, III, 57  
 Mullins, E. Y., III, 155  
 Munday, Jonathan, I, 126

- Mundy, Marc, II, 905  
 Munfordsville, II, 888  
 Municipal Improvement, I, 527  
 Munroe, James, II, 1053  
 Murphy, Griffin, V, 598  
 Murphy, Robert E. L., III, 389  
 Murphy, William T., V, 204  
 Murphy, W. F., IV, 523  
 Murray, Eli H., II, 905  
 Murray, James A., V, 322  
 Murray, Thomas A., III, 302  
 Murray, Thomas D., III, 97  
 Murray, William, I, 416  
 Museum of Natural History, I, 532  
 Muter, George, I, 217, 234, 242, 254, 256, 261, 262, 270, 303, 310, 311, 471, 469, 482  
 Muter's Letter, I, 263  
 Mutual Fire Insurance Company of Covington, IV, 466  
 Myers, Ben, III, 95  
 Myers, Ernest L., III, 543  
 Myers, George C., III, 593  
 Myers, Hubert P., V, 18  
 Myers, Jacob, II, 745  
 Myers, James W., IV, 643  
 Myers, W. R., V, 355  
  
 Nagel, Wilhelm R., IV, 359  
 Nail cutting machine, I, 503  
 Names, origin and meaning of, I, 1  
 Names of Kentucky Officers in Civil war, II, 1114  
 Napier, Calloway, V, 641  
 Napier, Mitchell C., V, 586  
 Napper, William S., V, 410  
 Narrows, The, II, 1199  
 Nash, J. B., III, 459  
 Nashville Convention of 1850, II, 839  
 Natchez Trace, I, 298  
 National Bank of Kentucky, II, 1185  
 National problems, II, 821  
 National Republican party, II, 699  
 National Road, II, 696  
 National Tobacco Fair, II, 1173  
 National Union, II, 852  
 Natural resources, II, 745, 920  
 Natural Rights, II, 1063  
 Natural wealth, II, 747  
 Navigation by steamboat, I, 501  
 Navigation, free, of Mississippi, II, 859  
 Neal, William J., III, 122  
 Neblett, J. M., IV, 70  
 Needham, James, I, 47  
 Neet, John D., III, 502  
 Negroes, civil rights to, II, 913; enfranchisement of, II, 917; education of, II, 990; and crime, II, 994  
 Negro question, II, 912  
 Negro regiments, II, 907  
 Negro Suffrage, II, 916  
 Negro vote, II, 1000  
 Nelson, C. J., V, 430  
 Nelson County, I, 200, 202, 291, 487; II, 1022, 1100, 1111  
 Nelson, Jack W., III, 509  
 Nelson, Robert W., IV, 221  
 Nelson, William, II, 886, 905  
 Nemicolon's Path, I, 126  
 Nesbit, Joe K., V, 245  
 Netherland, Benjamin, I, 194  
 "Neutral" trade through Kentucky, II, 860  
 Neutrality and the Union, II, 853; policy on, II, 855  
 Neutrality Laws, I, 345; II, 821  
 Neville, John C., V, 513  
 Nevitt, Charles A., IV, 125  
 New court, II, 632; bill to repeal, II, 645  
 New Court party, II, 638, 644, 677  
 New Holland, I, 208  
 New Orleans, I, 425; II, 922, 924  
 New River, I, 40, 58, 134; discovery of, I, 45  
 Newell, Charles D., IV, 319  
 Newland, M. C., IV, 331  
 Newspaper, second west of the Alleghanies, I, 229  
 Newman, James H., V, 131  
 Newman, John W., II, 1183  
 Newport, II, 737, 745  
 Newspapers, I, 532; II, 773; abolition, II, 801  
 Newton, Ernest, V, 48  
 Niceley, Thomas J., III, 52  
 Nicholas County, I, 200, 203; II, 764  
 Nicholas, George, I, 270, 284, 300, 308, 328, 372, 401, 410, 412, 474; II, 755, 1052, 1063, 1111; V, 627  
 Nicholas, W. C., I, 414  
 Nicholasville, II, 918, 955  
 Nichols, Alfred S., V, 157  
 Nichols, Arthur L., V, 428  
 Nichols, George, I, 253  
 Nichols, Henry L., V, 147  
 Nichols, Homer W., III, 417  
 Nichols, Jess F., IV, 514  
 Nichols, Washington F., IV, 519  
 Nichols, William E., IV, 335  
 Nicholson, George W., V, 590  
 Nicholson, Thomas E., III, 248  
 Nickell, Asa B., III, 592  
 Nickell, Asa W., IV, 86  
 Nickell, H. Volney, III, 592  
 Niehaus, George, III, 77  
 Night riding, II, 1013  
 Niles, Charles A., V, 499  
 Niles, Hezekiah, II, 603, 609, 611, 645, 745  
 Nineteenth Amendment, II, 992  
 Nineteenth Century in Kentucky, I, 424  
 Nineteenth Regiment Infantry officers, II, 1126  
 Ninth Regiment Cavalry officers, II, 1139  
 Ninth Regiment Infantry officers, II, 1121  
 Nisbet, Benjamin L., V, 375  
 Noe, William B., III, 348  
 Noland, John, III, 249  
 Nollau, Charles L., III, 267  
 Nolte, Charles, III, 117  
 Non-intercourse Act, I, 545  
 Non-intercourse law, I, 506  
 Nonsense Fort, I, 208  
 Noonan, Joseph P., III, 465  
 Norfleet, Carl, V, 269  
 Normal schools, II, 768, 992  
 Norman, Jonathan V., III, 139  
 North, Edward A., IV, 222  
 Northcutt, John K., IV, 287  
 Northcutt, Robert L., III, 361  
 Northern Bank of Kentucky, II, 710, 826  
 Northrup, William, IV, 623

- Northwest Indians, conquest of, I, 376  
 Norvell, Joshua, II, 653  
 Norwood, Charles J., II, 999, 1033; IV, 573  
 Norwood, Richard D., III, 88  
 Norwood Survey, II, 1034  
 Nosworthy, Charles F., III, 422  
 Nuckols, O. P., V, 183  
 Nullification, doctrine of, I, 420, 421; II, 673, 705  
 Nunn, Clement S., III, 473  
 Nunn, Frederick W., V, 373  
 Nunn, William H., III, 192  
 Nunn, W. H., V, 435  
 Nunnelley, Frank V., II, 1186  
 Nunnelly, Spencer C., III, 251  
 Nusz, Herbert R., III, 321  
 Nutini, Louis, III, 213  
 Nutter, Leslie, IV, 210  
 Nutter, Sallie, IV, 210
- Oath of allegiance, II, 910  
 Oberst, Albert B., IV, 123  
 Obligation of contract, II, 623  
 O'Brien, James J., III, 186  
 O'Bryan, George J., IV, 181  
 Occupying Claimant Laws, II, 650, 655; constitutionality of, II, 661  
 O'Connell, Cornelius J., III, 290  
 O'Donnell, William F., V, 238  
 O'Fallon, James, I, 276  
 Office holders appointed, II, 834  
 Offices, practice of selling, II, 777, 834  
 Offutt, Cordelia, IV, 309  
 Offutt, Webb, II, 1182  
 Ogden, Benjamin, I, 535  
 Ogden, Charles F., IV, 78  
 Ogden, Edward F., III, 133  
 Ogilvie, Richard W., III, 428  
 O'Hara, Theodore, II, 785  
 Ohio, origin of name, I, 2  
 Ohio & Cumberland Railroad, II, 960  
 Ohio Canal Company, I, 494  
 Ohio Company, I, 67  
 Ohio country, discovery and exploration, I, 40  
 Ohio County, I, 200; II, 1101, 1111  
 Ohio River, I, 288, 297, 485, 489; II, 862; new era on, II, 727  
 Ohio River commerce, II, 923  
 Ohio River bridges, II, 943  
 Ohio Valley, rights of the English to, I, 45; French claim to, I, 47; first visitors, I, 160; conditions in, II, 922; commercial history after Civil war, II, 926  
 Ohio Valley District, II, 1178  
 Oil, II, 746, 920, 997  
 Oil Carpets, I, 504  
 Old court and new court, II, 623; controversy, II, 623, 636  
 Old court judges, II, 640  
 Old courthouse at Washington, I, 312  
 Old Court party, II, 632, 644, 681  
 Old Field schools, I, 530, 753  
 Old Fort at Boonesborough (view), II, 1045  
 Oldham County, I, 203; II, 1101, 1111  
 Oldham, M. Kate, IV, 14  
 Oldham, Ronald C., III, 252  
 Oldham, William, I, 376; II, 692, 1111  
 Oldham, William E., IV, 14  
 Oliver, Andrew J., III, 496  
 Oliver, W. Mike, IV, 638  
 Old Line Whigs, II, 848  
 Old Station Farm, I, 63  
 Oldtown, I, 204  
 Old trails, I, 126  
 Olympian Springs, II, 792  
 O'Neal, John B., III, 101  
 "One Sucker," II, 1178  
 O'Rear, E. C., II, 1015  
 Oregon question, II, 823  
 Orman, Mary R. L., IV, 427  
 Orme, James H., V, 372  
 Orr, Claude A., IV, 395  
 Orton, Alpheus E., V, 383  
 Osborn, Charles G., III, 540  
 Osburn, Charles O., V, 514  
 Osburn, George, III, 130  
 Osburn, Roy, III, 130  
 O'Sullivan, Hugh, III, 50  
 O'Sullivan, Michael, V, 549  
 Ottenheim, II, 1022  
 Overbey, Bob C., V, 221  
 Overton, Clough, I, 194  
 Overton Family, I, 98  
 Overton, James, II, 1053  
 Overton, Samuel, I, 95  
 Overstreet, Jesse W., V, 148  
 Overstreet, Mary F. B., V, 149  
 Overstreet, Otie, V, 324  
 Owen, Abraham, II, 1111  
 Owen County, II, 941, 1111  
 Owen, Dale, II, 749  
 Owen, David D., I, 115; II, 1021, 1031  
 Owen, Ethelbert D., IV, 46  
 Owen Survey, II, 1032, 1034  
 Owen, Thomas, IV, 46  
 Owens, A. D., IV, 485  
 Owens, Edward B., III, 41  
 Owensboro, II, 746, 875, 899  
 Owen's Station, I, 208  
 Owings, Rezin G., V, 570  
 Owing's Station, I, 208  
 Owsley County, II, 1102, 1111  
 Owsley, Thomas M., IV, 137  
 Owsley, William, II, 762, 766, 824, 825, 826, 1071, 1075, 1111  
 Owsley, William F., V, 7
- Pace, Claude C., V, 348  
 Pace, Daisy D., V, 442  
 Pack-Horses, I, 127  
 Paducah, II, 735, 765, 862, 875, 880, 887, 893, 899  
 Paducah District, II, 1178  
 Page, H. M., III, 106  
 Page, William A., V, 214  
 Paine, F. A., II, 880  
 Paine, Thomas, I, 223, 325  
 Paint Lick, I, 148  
 Paint Lick Station, I, 208  
 Painted Stone, I, 208  
 Painted trees, I, 137, 147  
 Paintsville, I, 64, 119, 148; II, 899  
 Palladium, The, I, 532  
 Palmer, John M., II, 899, 905, 907, 908, 1008  
 Panic of 1819, II, 599  
 Panic of 1837, II, 713, 715  
 Panic of 1857, II, 736  
 Panic of 1873, II, 987  
 Panic of 1893, II, 988  
 Panics, II, 752

- Paper currency, I, 511  
 Paper-making, I, 301  
 Paper money, I, 298; II, 593, 597, 616  
 Paper town, I, 487  
 Pardue, William A., IV, 527  
 Park, Anderson D., V, 637  
 Park, Robert B., III, 345  
 Parker, Bessie, V, 27  
 Parker, John, V, 419  
 Paris, I, 205, 208, 320, 488; II, 745  
 Paris, James L. F., V, 370  
 Parraut, Lewis, III, 63  
 Parrigin, Perry, V, 273  
 Parrish, Isaac W., III, 567  
 Parrish, James W., IV, 565  
 Parrish, Jeff D., IV, 100  
 Parrott, R. L., V, 521  
 Parties, Relief and Anti-Relief, II, 622;  
   rise of national, II, 674  
 Party names, II, 704  
 Party newspapers, II, 773  
 Party politics, I, 469; II, 692  
 Party spirit, II, 584  
 Paschall, Jesse B., V, 299  
 Patrick, Ashland T., V, 453  
 Patrick, Charles C., IV, 29  
 Patrick, Robert A., IV, 549  
 Patrick, Urey W., V, 44  
 Patterson, Frank Y., Jr., V, 256  
 Patterson, J. K., II, 1059; III, 27  
 Patterson, Robert, I, 194, 196, 206, 219,  
   220, 234, 330; (portrait), I, 233  
 Patterson, Walter K., III, 29  
 Patton, B. W., II, 631  
 Patton, James, I, 77  
 Paxton, John R., V, 173  
 Payne, A. G., III, 182  
 Payne, Alexander P., III, 90  
 Payne, C. R., V, 488  
 Payne, Cora S., V, 488  
 Payne, Edward, I, 234  
 Payne, George F., III, 197  
 Payne, George W., IV, 324  
 Payne, Henry C., III, 396  
 Payne, James A., III, 346  
 Payne, James H., V, 513  
 Payne, John H., V, 279  
 Payne, J. Walter, IV, 291  
 Payne, Mathew H., IV, 430  
 Payne, Robert D., III, 325  
 Paynter, Thomas H., II, 1086, 1096  
 Peace Democrats, II, 896  
 Peace, Shelby L., IV, 72  
 Peak, J. Hunter, III, 358  
 Pearce, Lewis E., III, 126  
 Pearis, Richard, I, 94  
 Pearson, E. Clarence, IV, 219  
 Peavyhouse, William W., III, 471  
 Peddicord, F. L., V, 89  
 Peebles, W. F., V, 33  
 Peers, Benjamin O., II, 761, 763, 1058  
 Pendleton County, II, 1100, 1111  
 Pendleton, George H., II, 966, 967, 968  
 Penitentiary, II, 782, 994  
 Pennebaker, William F., V, 262  
 Pennington, Monroe, III, 50  
 Pentecost, Fielding J., IV, 191  
 Pepper, Elizabeth, V, 642  
 Pepper, Robert P., V, 642  
 Pepper, Thomas, III, 555  
 Perceute, I, 44  
 Perkins, Harry S., III, 156  
 Perkins, J. E., III, 519  
 Perkins, Logan, III, 519  
 Perkins, William L., IV, 589  
 Perkins, Zachary T., III, 93  
 Perry County, II, 1101, 1111  
 Perry, Edmund B., V, 637  
 Perry, John R., IV, 365  
 Perry, John T., IV, 196  
 Perry, Ollie P., IV, 542  
 Perry, William A., III, 71  
 Perryville, Battle of, II, 892, 1202  
 Pestilences, II, 749  
 Peter, Alfred M., IV, 14  
 Peter, Arthur, III, 379  
 Peter, Charles R., III, 163  
 Peter, Robert, II, 1032; IV, 11  
 Peters, Charles W., III, 571  
 Peters, Richard F., IV, 245  
 Petersburg, I, 209, 309  
 Petitions for separation from Virginia, I,  
   221  
 Petrey, Asbel S., V, 589  
 Petroleum, II, 998, 1031  
 Pettit, Thomas S., III, 157  
 Pettit's Station, I, 208  
 Petty, Bailey B., IV, 297  
 Petty, Ludlow F., III, 157  
 Petty, William L., III, 180  
 Peyton, Warren, V, 642  
 Pfeffer, James W., III, 177  
 Pflueger, Edward W., III, 107  
 Pharis, Jolly B., V, 114  
 Phelon, Joseph S., III, 310  
 Phelps, J. A., IV, 646  
 Phillips, Charles M., IV, 52  
 Phillips, Edward P., V, 98  
 Phillips' Fort, I, 208  
 Phillips, James S., III, 411  
 Phillips, Jesse, IV, 417  
 Phillips, Robert M., IV, 312  
 Phillips, Thomas J., V, 531  
 Phillips, Thomas L., III, 611  
 Phoenix Hotel, II, 1191  
 Piatt, Thomas, IV, 32  
 Pickett, Thomas C., II, 692  
 Picklesimer, Edward J., IV, 354  
 Pieratt, Steve, IV, 606  
 Pike County, I, 517; II, 746, 1101, 1111  
 Pike, Sylvester, V, 406  
 Pinckley, Andrew C., V, 120  
 Pineville, I, 60; II, 1199; (view), II, 1200  
 Pinson, Marion, IV, 352  
 Pioneer furniture, I, 295  
 Pioneer life during the Revolution, I,  
   174  
 Pioneer life in Louisville, I, 294  
 Pioneer Postal service, I, 298  
 "Pioneer Railway of the West," II, 1193  
 Pioneer religion in Kentucky, I, 534  
 Pioneer travel, I, 127  
 Pioneer schools and teachers, I, 530  
 Pioneers, I, 212; classes of, I, 292; of  
   Southeastern Kentucky, II, 1207  
 Pirkey, Russell J., III, 159  
 Pirtle, Alfred, III, 289  
 Pirtle, John B., IV, 551  
 Pirtle, John C., III, 303  
 Pisgah, I, 528; II, 1051  
 Pitchford, Roy R., IV, 486  
 Pittman, Henry M., IV, 568  
 Pittman's Station, I, 208  
 Pittsburgh, I, 69

- Pittsburg Landing, II, 899  
 Plague of 1833, II, 750  
 Plain, Benjamin M., V, 396  
 Plan of Louisville (map), I, 171  
 Planters' Protective Association, II, 1013  
 Pleasant Hill, I, 540  
 Pleune, Peter H., V, 400  
 Plimell, George W., V, 54  
 Pocahontas, II, 1164  
 Point Pleasant, I, 98; battle of, I, 162  
 Polin & Polin, V, 83  
 Polin, John O., V, 83  
 Polin, Joseph O., V, 83  
 Political beginnings of Kentucky, I, 217  
 Political campaign of 1896, II, 1008  
 Political development, I, 469  
 Political history of Eastern Kentucky, II, 1027  
 Political Liberty, II, 1063  
 Political organizations, national, II, 690  
 Political parties, II, 845; in Civil war, II, 896  
 Political sentiment in railroad building, II, 962  
 Political and social conditions after the Civil war, II, 908  
 Politics, personal phase, I, 477; II, 692, 776, 916, 1000; after War of 1812, II, 580; state and national, II, 681; and the press, II, 774; corrupt practises, II, 777; campaign of 1844, II, 823; campaign of 1848, II, 828; in 1851 campaign, II, 842; geological distribution of, II, 1027; influence of Henry Clay in, II, 1061  
 Polk, James K., II, 823  
 Polk, Leonidas, II, 872, 1201  
 Pollard, Edwin T., III, 529  
 Pond Station, I, 208  
 Pool, R. M., V, 312  
 "Poor Whites," II, 796  
 Pope, Curran, IV, 309  
 Pope, Forrest A., III, 115  
 Pope, George L., III, 183  
 Pope, George R., V, 518  
 Pope, John, I, 421, 459, 551; II, 583, 587, 622, 650, 667, 675, 755, 758, 1053, 1055, 1061, 1082, 1096  
 Popham, Austin E., III, 68  
 Popplewell, J. C., III, 459  
 Popular celebrations, I, 527  
 Popular interest in politics, II, 776  
 Poplar Level, I, 208  
 Popular Sovereignty, II, 844  
 Population, I, 286, 289, 296, 390, 485, 489; three general classes, I, 292; II, 719, 926; negro, II, 996; sources of, II, 1205  
 Populist party, II, 1006  
 Pork, I, 500  
 Pork packing, II, 882, 927  
 Port William, I, 208  
 Porter, John W., IV, 101  
 Porter, Joseph W., IV, 24  
 Porter, William H., III, 175  
 Posey, Thomas, I, 447  
 Posey, William H., V, 180  
 Post, Edmund M., V, 342  
 Post, Mrs. Edmund M., V, 342  
 Post, Josephine F., V, 342  
 Post Roads, I, 298  
 Postage, II, 616  
 Postal service, I, 490  
 Postlethwaite, John, II, 1192  
 Potter, J. Whit, V, 473  
 Pound Gap, I, 74, 128; II, 899  
 Pound, Jacob, IV, 344  
 Powder-making, I, 504  
 Powder manufacture, II, 592, 1023  
 Powell, Ambrose, I, 6, 58, 61; II, 741  
 Powell, Bernard M., IV, 134  
 Powell, Clarence E., IV, 435  
 Powell County, II, 1102, 1111  
 Powell, Edward L., III, 114  
 Powell, George B., IV, 50  
 Powell, Hugh B., III, 211  
 Powell, Lazarus W., II, 831, 842, 849, 914, 1031, 1071, 1076, 1084, 1096, 1111  
 Powell, Levi W., III, 243  
 Powell, Lloyd H., III, 304  
 Powell, Otho B., V, 306  
 Powell's River, I, 60  
 Powell's Valley, I, 6, 172; II, 1039  
 Power, Thomas, I, 367, 369  
 Powers, Caleb, II, 1011  
 Powers, Joshua D., IV, 21  
 Poynter, John M., V, 230  
 Poynter, William H., III, 420  
 Prather, Gayle, V, 550  
 Prather, Hugh E., V, 47  
 Prather, James T., V, 72  
 Prather, Roy M., V, 321  
 Prather, Thomas B., V, 200  
 Pratt, Lawrence W., V, 515  
 Prentice, George D., II, 774, 834, 907; (portrait), II, 775  
 Presbyterian Church, I, 535  
 Presbyterians, I, 528, 755, 794, 802, 818  
 Presbytery of Transylvania, I, 535  
 Preservation of game, I, 166  
 Press, I, 306, 457, 526, 532; freedom of, I, 274; II, 773  
 Preston Family, I, 98  
 Preston, Francis, I, 242  
 Preston, George W., IV, 576  
 Preston, James C., V, 36  
 Preston, John, I, 148  
 Preston, John H., IV, 555  
 Preston, William, I, 77, 80, 95, 218; journal of, I, 98; (portrait), I, 99; II, 692, 826, 1144  
 Preston, William, IV, 244  
 Preston, William (deceased), V, 597  
 Prestonsburg, I, 9, 148; II, 724  
 Prewitt, Ed R., V, 599  
 Prewitt, William G., III, 484  
 Price, Dillard S., V, 522  
 Price, John F., IV, 32  
 Price, John W., IV, 90  
 Price, Leonard C., V, 161  
 Price, Leonard C., Jr., V, 161  
 Price, S. S. & Company, IV, 32  
 Price, Sterling S., IV, 178  
 Price, Vernon L., IV, 563  
 Price, William, I, 527  
 Price, William J., III, 507  
 Price, W. K., III, 248  
 Prices in 1820, II, 599  
 Prichard, Leonidas M., III, 564  
 Priestly, James, I, 306  
 Prince, Walter L., V, 646  
 Princeton, II, 611  
 Printer and Booksellers Association, I, 534  
 Printing press, I, 231, 243



- Prison reform, II, 781, 994  
 Private banking, II, 595; prohibited, I, 514  
 Proctor, John R., II, 1032  
 Proctor, Edwin T., V, 324  
 Proctor, J. R., II, 997  
 Proctor, Larkin J., II, 767  
 Proctor Survey, II, 1033, 1034  
 Proclamation Line, I, 162  
 Prohibition movement, II, 920  
 Prohibition party, II, 1002  
 Property assessment and taxation, II, 988  
 Protection of American industries, II, 1066  
 Protective tariff, I, 506, 523; II, 693, 1069  
 Provisional Government of Kentucky, II, 987  
 Pryor, James, III, 92  
 Pryor, John R., V, 273  
 Pryor, William S., IV, 273  
 Public Lands, II, 713, 763  
 Public-offices, II, 777  
 Pugh, Benjamin F., III, 131  
 Pugh, Clifford W., III, 131  
 Pulaski County, II, 746, 951, 1100, 1111  
 Pulliam, Arch H., V, 407  
 Punch, Richard E., III, 563  
 Punch, William T., III, 147  
 Purcell, Clyde E., V, 438  
 Purcell, Jefferson D., IV, 149  
 Purcell, Martha G., V, 438  
 Purchase Region, II, 1016  
 Pursifull, Paschal Y., V, 557  
 Pursifull, W. M., V, 634  
 Puryear, John G., V, 267  
 Puryear, Leslie A., V, 547  
 Putnam, Donald H., III, 577  
  
 Quantrill, in Kentucky, II, 898  
 Queen City of the West, II, 937  
 Quermous, John, IV, 356  
 Quin, Huston, III, 488  
 Quin, Sherman T., III, 556  
 Quisenberry, Hunt, III, 370  
 Quit-rents, I, 167  
  
 Race segregation, II, 996  
 Racing, II, 788  
 Radcliffe, Troilus M., V, 52  
 Rader, Roy E., V, 70  
 Radical party, II, 917  
 Rafferty, Walter A., III, 385  
 Rafinesque, Constantine S., II, 1031, 1056  
 Rag money, II, 616  
 Railey, Lawrence A., III, 568  
 Railroad awakening of the '50s, II, 736  
 Railroad bridge across Ohio River, II, 946  
 Railroad building after Civil war, II, 929  
 Railroad commission, II, 998  
 Railroad convention, II, 970  
 Railroad rates, II, 932  
 Railroad strike in 1877, II, 999  
 Railroads, II, 906, 921, 998, 1026: beginning of, II, 721; first in Kentucky, II, 730; state aid to, II, 737; bond issues, II, 737; changes caused by, II, 924; in 1871 (map), II, 938; early charters, II, 950; and the courts, II, 965; building of Cincinnati Southern, II, 984  
 Rail traffic, II, 940  
 Railsback, Daniel T., III, 413  
 Rains, John, I, 160  
 Ralston, Hardin D., IV, 523  
 Ramey, Albinus C., III, 409  
 Ramey, Harry H., IV, 559  
 Ramey, James F., IV, 414  
 Ramey, Jesse B., III, 557  
 Ramsey, J. Basil, V, 179  
 Ramsey, David F., V, 400  
 Ramsey, Joseph M., V, 466  
 Ramsey, Tilman, V, 291  
 Randolph, Edmund, I, 239, 376  
 Randolph, L. H., V, 217  
 Rankin, Emma L., IV, 243  
 Rankin, James W., V, 599  
 Rankin, Oscar R., V, 643  
 Rankin, Robert W., IV, 270  
 Rankins, Grover C., IV, 353  
 Ransler, C. W., V, 206  
 Rapier, James L., III, 346  
 Rapier, William F., III, 346  
 Rardin, Wesley M., V, 378  
 Rash Family, V, 286  
 Rash, Thomas, V, 286  
 Rash, William S., V, 286  
 Rate-making, II, 964  
 Ratliff, Albert S., IV, 374  
 Ratliff, John E., V, 340  
 Ratliff, Richard H., IV, 358  
 Ratliff, Richard N., V, 288  
 Ratliff, Silas W., III, 527  
 Rawlings, John W., V, 502  
 Rawls, Nora J., III, 452  
 Rawls, Wylie B., III, 452  
 Ray, James, I, 113  
 Ray, Leslie G., V, 382  
 Rayburn, Lee R., III, 485  
 Raymond, Oliver P., III, 62  
 Read, John B., III, 121  
 Reagan, Jeremiah J., IV, 168  
 Reager, Allen M., III, 376  
 Reams, Benjamin G., IV, 249  
 Reams, William J., I, 122  
 Reasonover, Doris G., V, 156  
 Rebel Democracy, II, 915  
 Rebel element, II, 912  
 Reconstruction Acts for Kentucky, II, 915  
 Record, James F., IV, 349  
 Rector, William Q., IV, 566  
 Redd, Richard M., IV, 27  
 Redd, Ruth M., IV, 28  
 Redmon, Lee C., IV, 528  
 Redmon, Thomas J., IV, 407  
 Redstone Fort, I, 208  
 Reed, Cecil, V, 313  
 Reed, James H., IV, 209  
 Reed, Roscoe, III, 69  
 Reed, Shelton, IV, 285  
 Reed, Stanley F., V, 31  
 Reed, William M., III, 68  
 Reed's Station, I, 208  
 Reekers, Fred H., IV, 231  
 Reeves, E. W., V, 153  
 Reeves, Robert L., V, 302  
 Referendum, II, 637  
 Reger, Ambrose, III, 238  
 Regnat, Ulrich, III, 337  
 Regulators, II, 913  
 Reid, Rodney C., IV, 625  
 Reid, Sam, III, 498  
 Reinhardt, John, III, 326  
 Reister, Joseph H., IV, 288  
 Reiter, John B., III, 114  
 Relief laws, I, 489; II, 607, 626, 654

- Relief methods, II, 752  
 Relief party, II, 622, 626, 630, 632, 681  
 Relief system, II, 617  
 Religion, I, 534; II, 794  
 Religion and education, II, 755  
 Religious controversies, II, 1056  
 Religious denominations, I, 534; on slavery, I, 393  
 Religious education, I, 528  
 Religious enthusiasm, outburst of, I, 536  
 Religious liberty, II, 1063  
 Religious statistics, I, 540  
 Religious test for office holding, I, 282  
 Remonstrance of 1824, II, 668  
 Renaker, E. K., IV, 302  
 Renaker, John A., III, 59  
 Renaker, John E., IV, 301  
 Renaker, John G., V, 232  
 Renaker, J. G., III, 218  
 Render, William E., III, 284  
 Renfro, Joseph, I, 121  
 Renick, Abram, V, 116  
 Renick, Abram, Jr., V, 117  
 Renick, Harry P., IV, 17  
 Renick, James L., IV, 543  
 Renick, James S., IV, 17  
 Reno, Lawson, III, 281  
 Replevin laws, II, 612, 619, 621, 779; of 1820, II, 608; and relief, II, 607; abolished, II, 622; outside criticism, II, 649  
 Representation, I, 282  
 Republican party, II, 845, 980, 1001; in Kentucky, II, 897, 917; in 1871, II, 919  
 Republicans, II, 1014  
 Republicans of 1856, II, 848  
 Republican vote, results of negro suffrage, II, 919  
 Repudiation, II, 719  
 Resolutions of Danville conventions, I, 227; of 1798 and 1799, I, 403; of 1799, I, 421; on the Mississippi River question, I, 426; of loyalty, I, 460; of 1817, II, 581; of 1798 and 1799, II, 706  
 Resorts, social, II, 792  
 Respass, William B., IV, 144  
 Reubelt, Henry N., IV, 344  
 Reuscher, Louis, IV, 223  
 Revolutionary soldiers, II, 772  
 Revolutionary War, I, 173, 286; greatest battle in Kentucky, I, 185  
 Reynolds, Aaron, I, 194  
 Reynolds, Benjamin F., IV, 642  
 Reynolds, John L., III, 143  
 Reynolds, J. Owen, III, 381  
 Reynolds, William A., IV, 422  
 Rhea, Albert G., V, 254  
 Rhoades, Lorenzo S., IV, 460  
 Rhodes, Henry C., V, 321  
 Rice, David, I, 283, 302, 528, 535, 542; II, 1050  
 Rice, Edward N., III, 124  
 Rice, Gordon, V, 543  
 Rice, Harvey B., IV, 465  
 Rice, H. Edward, IV, 455  
 Rice, John W., IV, 287  
 Rice, Wilford M., V, 69  
 Rich, John H., IV, 398  
 Richardson, Charles F., III, 195  
 Richardson, John M., III, 291  
 Richardson, John W., III, 196  
 Richardson, J. R., III, 547  
 Richardson, Robert, II, 764  
 Richardson, William H., II, 1053  
 Richardson, William K., V, 131  
 Richart, Richard O., IV, 641  
 Richie, Peyton, V, 594  
 Richmond, I, 205, 534; II, 877, 892, 929, 951, 992  
 Richmond, James H., III, 384  
 Richmond, Isaac, IV, 402  
 Richmond, William W., IV, 575  
 Rider, David W., III, 345  
 Rider, George M., III, 347  
 Rider, Robert E. L., III, 320  
 Ridgely, Frederick, II, 1052  
 Ridgway, Samuel H., IV, 550  
 Ridley, James U., III, 215  
 Rieckel, Charles, IV, 244  
 Riffe, James P., III, 221  
 Riley, Edgar T., V, 610  
 Riney, William G., III, 226  
 Ringo, Benjamin D., III, 286  
 Rivard, Emile R., III, 426  
 River commerce, II, 923  
 River improvements, II, 725  
 River navigation, I, 493; II, 999  
 River patrol of gun-boats, II, 880  
 River Raisin, expedition to, I, 557  
 River towns, II, 824  
 River trade, free of military restrictions, II, 883  
 River traffic, I, 297, 485, 500; II, 940  
 River transportation, II, 721  
 Rivers, Horace T., III, 443  
 Rives, Frank, V, 137  
 Rives, Robert C., III, 389  
 Road across the Cumberlandlands, I, 236  
 Road companies, II, 723  
 Roads, I, 485, 490; II, 695, 721, 989; maintaining of, I, 492; Federal aid to, II, 696; in 1844, II, 728  
 Robb, Henry D., IV, 348  
 Robbins, C. C., V, 133  
 Roberts, Anna T., III, 238  
 Roberts, Anthony R., V, 430  
 Roberts, George M., V, 552  
 Roberts, Hilery B., III, 551  
 Roberts, John G., V, 17  
 Roberts, Lida F., III, 288  
 Roberts, Rankin, Sr., IV, 8  
 Roberts, Samuel J., III, 236  
 Roberts, Sam J., V, 396  
 Roberts, William R., IV, 7  
 Robertson County, II, 1102, 1111  
 Robertson, George, I, 214; II, 587, 588, 623, 627, 632, 638, 641, 647, 737, 755, 758, 823, 829, 1058, 1111; V, 597  
 Robertson, Thomas S., V, 580  
 Robinson, Benjamin F., III, 252  
 Robinson, George, II, 622  
 Robinson, Henry S., V, 91  
 Robinson, James F., II, 891, 1072, 1077  
 Robinson, J. W., III, 430  
 Robinson, John C., IV, 424  
 Robinson, Samuel B., V, 412  
 Robinson, Samuel G., V, 118  
 Robinson, Stuart, II, 814; (portrait), II, 815  
 Robinson, William F., III, 95  
 Roby, Ora L., V, 403  
 Roby, William J., IV, 424  
 Roche, David, III, 288  
 Roche, James M., IV, 175  
 Rochester, II, 899  
 Rockcastle County, II, 1101, 1111  
 Rockhouse, I, 142

- Rockhouse Fork, I, 65  
 Rocks and Soils, II, 1017  
 Roder, Max H., V, 549  
 Rodes, Joseph W., III, 363  
 Rodes, Mary F. Higgins, IV, 202  
 Rodes, William, IV, 201  
 Rodman, Charles D., IV, 7  
 Rodman, John J., III, 317  
 Roebuck, John S., Jr., V, 374  
 Roemele, Eugen C., IV, 486  
 Rogers, James, I, 234  
 Rogers, James R., III, 474  
 Rogers, Nathaniel L., V, 477  
 Rogers, Paul, V, 411  
 Rogers, Ray R., IV, 447  
 Rogers' Station, I, 209  
 Rohs, Hermann A., IV, 299  
 Roland, Walter L., V, 218  
 Rollings, J. D., V, 546  
 Roney, J. W., III, 454  
 Roosevelt, Nicholas, II, 721  
 Root, Ira, II, 767  
 Rose, Leander C., V, 316  
 Rose, Lewis, I, 193  
 Rose, Richard S., V, 536  
 Roseberry, Hiram M., IV, 463  
 Rosel, Charley, V, 152  
 Ross, Charles I., V, 60  
 Ross, John, I, 160  
 Ross, Lafayette W., V, 170  
 Rousseau, Lovell H., II, 899, 909  
 Rosson, William S., IV, 330  
 Roszell, Calvert T., III, 380  
 Rothert, Otto A., V, 573  
 Rounds, Charles R., IV, 219  
 Rounsavall, Robert W., III, 360  
 Rountree, Bert T., IV, 583  
 Rouse, Albert M., V, 334  
 Rouse, Julius E., III, 569  
 Rouse, J. Howard, III, 569  
 Routt, Grover C., III, 500  
 Rowan County, II, 991, 1111  
 Rowan, John, I, 449, 465, 520, 548; II, 622, 664, 667, 696, 771, 1059, 1083, 1111; IV, 596  
 Rowe, Ernest P., III, 80  
 Rowe, Jacob E., III, 312  
 Rowe, Richard P., III, 79  
 Rowlett Station, II, 899  
 Rowley, James, V, 176  
 Royster, George M., III, 223  
 Royster, S. B., III, 148  
 Ruby, W. J., V, 514  
 Rudd, Robert T., V, 284  
 Ruddle, Isaac, I, 205  
 Ruddle's Station, I, 183, 194, 209  
 Rudv, James H., III, 462  
 Rudy, J. A., III, 462  
 Ruff, Rudolph C., III, 203  
 Rule's Mill, I, 118, 128  
 Rumsey, James, I, 501  
 Rupert, Joseph, V, 186  
 Rush, William M., IV, 348  
 Russell, Arthur G., IV, 531  
 Russell, Bailey, IV, 97  
 Russell County, II, 1101, 1111  
 Russell, C. M., V, 353  
 Russell, Jesse L., V, 461  
 Russell, John E., IV, 505  
 Russell, Rodman, IV, 116  
 Russell, William, II, 1111  
 Russellville, I, 209, 533; II, 745, 887  
 Ryley, Claude L., IV, 163  
 Ryan, James A., IV, 472  
 Sacramento, II, 899  
 St. Asaph, I, 165, 206, 209  
 St. Clair, Arthur, I, 272, 380; campaign of, I, 385; defeat of, I, 386  
 St. Joseph's Church, III, 337  
 St. Joseph College, II, 756  
 Salary Grab, II, 993  
 Salaries in tobacco, II, 1167  
 Salaries of state officials, I, 315  
 Salem Academy, I, 306  
 Salisbury, William, III, 581  
 Salley, John Peter, journey of, I, 48  
 Salmon, John G., IV, 389  
 Salmons, Lee, V, 454  
 Salt, I, 202; manufacture, I, 300; production of, II, 746  
 Saltpetre, I, 504  
 Salt River Garrison, I, 209  
 Salt Springs, I, 148  
 Salyersville, I, 63, 127, 130, 206  
 Sanchez, Milton, IV, 96  
 Sanders, Cortez, V, 355  
 Sanders, H. R., V, 101  
 Sanders, James R., V, 88  
 Sanders, John, I, 299  
 Sanders, Perry C., V, 502  
 Sandlin, J. Claude, V, 645  
 Sandusky, C. H., V, 540  
 Sandusky, James, I, 209  
 Sandusky's Station, I, 209  
 Sandy Creek Voyage, I, 10, 91, 94; results of, I, 97  
 Sandy Island, I, 32  
 Sandys, George, I, 10  
 Sandys, Sir Edwin, I, 10  
 Sartin, Avery, III, 475  
 Saunders, Miranda D., III, 182  
 Saunders, Ulysses G., III, 181  
 Sayre, David, II, 751  
 Sayre, David A., III, 200  
 Sayre, Ephraim D., III, 201  
 Scaggs, Henry, I, 160  
 Scaling system, II, 616  
 Scheifers, William R., Sr., IV, 461  
 Schild, William F., IV, 467  
 Schmitz, Frederick W., III, 118  
 Schmitz, Hubert, V, 389  
 Schnauffer, William T., IV, 602  
 Schneider, William J., V, 228  
 Scholes, Walter S., IV, 368  
 Scholl, William, V, 309  
 School fund, II, 765, 767, 834  
 School funds, II, 759, 763  
 School house of pioneer times, I, 531  
 School legislation, I, 529  
 School statistics, II, 762; in 1840, II, 765  
 Schools, superintendents of, II, 764  
 School system for negroes, II, 990  
 Schools (see Education), I, 304, 528; II, 590, 723, 753, 758, 768, 784, 920; in 1853, II, 767; for Indians, II, 784  
 Schreiber, Frank, IV, 232  
 Schroeder, Ralph L., IV, 242  
 Schulte, H. B., III, 255  
 Schulte, John H., III, 128  
 Schultz, Jacob, V, 239  
 Schuylkill Bank Fraud, II, 720  
 Science, II, 769  
 Scobee, Rezin McK., III, 98

- Scotch-Irish, II, 1205  
 Scott, Charles, I, 303, 354, 381, 384, 387, 476, 483, 547; II, 787, 1071, 1073, 1112  
 Scott, James, I, 67  
 Scott, James A., V, 362  
 Scott, James L., IV, 307  
 Scott, John M., I, 462  
 Scott County, I, 203; II, 783, 1100, 1112  
 Scott, Will P., V, 495  
 Scott's Station, I, 209  
 Scrivner's Station, I, 209  
 Scruggs, Albert F., IV, 254  
 Sea, Andrew M., III, 165  
 Searcy, Chesley H., IV, 71  
 Seaton, Wayne C., V, 345  
 Seay, B. C., V, 302  
 Sebastian, Benjamin, I, 217, 242, 234, 254, 264, 270, 284, 285, 310, 366, 367, 368, 370, 371, 458, 460, 469, 482; resignation of, I, 459  
 Sebastian, J. H., IV, 618  
 Secession, I, 420; II, 838, 852  
 Secessionists, II, 858  
 Second Bank of the United States, II, 595  
 Second Regiment Cavalry officers, II, 1135  
 Second Regiment Infantry officers, II, 1118  
 Sectionalism, II, 821, 852  
 Sedition law, I, 417  
 See, Frederick O., V, 56  
 See, Ira W., III, 576  
 Seelbach, Louis, IV, 51  
 Seeley, Orland C., V, 409  
 Segner, Charles A., IV, 84  
 Seller, G. A., III, 128  
 Sellards, Hezekiah, I, 134  
 Sellards, Jennie, I, 135  
 Self-government, I, 290; in Kentucky County, I, 217  
 Selligman, Alfred, III, 369  
 Selligman, Joseph, III, 369  
 Seminary claims, II, 658  
 Semple, Charles B., III, 165  
 Semple, Charles H., III, 147  
 Semple, Ellen, II, 1028  
 Semple, Ellen C., II, 1206  
 Senate, I, 390, 400  
 Senour, Otis E., V, 326  
 Serpell, John A., IV, 79  
 Settle, Robert E., III, 319  
 Settle, Robert R., V, 179  
 Settle, Warner E., III, 455  
 Settlement of the State, I, 489  
 Seven years' limitation law, II, 672  
 Seventeenth Regiment Cavalry officers, II, 1142  
 Seventeenth Regiment Infantry officers, II, 1125  
 Seventh Convention, I, 260  
 Seventh of March Speech, II, 839  
 Seventh Regiment Cavalry officers, II, 1138  
 Seventh Regiment Infantry officers, II, 1120  
 Sewell, Leo M., V, 401  
 Shaber, George H., V, 225  
 Shackelford, J. M., II, 900  
 Shackelford, Samuel J., II, 1008  
 Shackelford, W. Rodes, III, 250  
 Shacklett, Thomas C., II, 1077  
 Shacklette, Warner J., III, 301  
 Shaffer, J. B., IV, 475  
 Shakers, I, 540  
 Shaler, Nathaniel S., II, 997, 1027, 1032  
 Shaler Survey, II, 1032, 1034  
 Shallow-Ford Station, I, 209  
 Shanks, William H., II, 1187  
 Shannon, Frederick F., III, 608  
 Shannon, John B., III, 384  
 Sharp, G. Elgin, V, 494  
 Sharp, Llewellyn, IV, 15  
 Sharp, Mettie E., V, 494  
 Sharp, Samuel L., IV, 437  
 Sharp, Solomon P., II, 622, 642, 676  
 Sharp, Waller, Sr., III, 552; V, 494  
 Sharp, Waller, Jr., III, 552  
 Sharp, William A., IV, 263  
 Shaut, Theodore J., III, 579  
 Shavers, II, 598  
 Shaw, Emison, III, 109  
 Shaw, Newton S., V, 442  
 Shawnees, I, 49, 128, 162; expedition against, I, 91; relations to silver mines, I, 118  
 Shearer, John H., III, 476  
 Shearer, W. C., V, 283  
 Shearer, W. Logan, IV, 43  
 Sheehan, John J., III, 362  
 Shelbourne, Roy M., V, 42  
 Shelburne, Silas, III, 90  
 Shelby, Benjamin, II, 773  
 Shelby County, I, 200; II, 735, 801, 930, 1100, 1112  
 Shelby, Isaac, I, 55, 162, 205, 216, 248, 270, 284, 303, 307, 315, 352, 358, 363, 382, 405, 469, 494, 552, 553, 560; official attitude to French enterprise, I, 336; and the Genet Mission, I, 342; II, 575, 578, 581, 592, 621, 636, 721, 741, 1050, 1064, 1066, 1071, 1072, 1112, 1170, 1199; house of (view), II, 1073; IV, 433  
 Shelby, Isaac F., IV, 423  
 Shelby, John T., V, 3  
 Shelbyville, I, 533; II, 786  
 Shepherd, Robert Y., V, 84  
 Shepherdsville, I, 73, 208  
 Shepperd, Charles E., IV, 442  
 Sheriffs, II, 777  
 Sherman, William T., II, 889  
 Shields, Benjamin F., V, 167  
 Shiloh, battle of, II, 899, 900  
 Shindler, George B., V, 168  
 Shinnick, William C., V, 166  
 Shively, Omar H., V, 86  
 Shore, Worley A., III, 141  
 Short, Peyton, I, 248  
 Shouse, Leonard B., III, 351  
 Shouse, Lucian D., IV, 220  
 Showalter, John H., V, 367  
 Shrewsbury, Elza T., IV, 535  
 Shropshire, Mrs. Isaac C., IV, 288  
 Sidebottom, Ben W., IV, 513  
 Sidle, James R., V, 630  
 Sights, H. Preston, V, 350  
 Sigler, John R., III, 198  
 Siler, Adam T., III, 233  
 Siler, L. Steely, III, 236  
 Siler, T. Scott, III, 234  
 Silver, I, 127  
 Silver mines, I, 110  
 Silver money, II, 987  
 Simmons, George D., III, 249  
 Simmons, Willie A., V, 478  
 Simms, Lucy, IV, 211

- Simms, William E., II, 1184  
 Simms, William E. (Paris), IV, 211  
 Simpson County, II, 1101, 1112  
 Simpson, James W., V, 434  
 Simpson, John, I, 552; II, 1112  
 Simpson, Lucretia C., IV, 313  
 Simpson, Minor Y., IV, 313  
 Simpson, R. D., V, 90  
 Simpson, William, III, 340  
 Sims, James C., IV, 532  
 Sims, John T., V, 18  
 Sinecure offices, II, 778  
 Singleton, Garland, V, 189  
 Singleton, Lewis G., V, 471  
 Sinking fund, II, 836  
 Sinking Fund Commissioners, II, 988  
 Sinking Springs Meeting House, I, 281  
 Sinton, David, II, 955  
 Sipple, John D., IV, 270  
 Sixteenth Regiment Infantry officers, II, 1125  
 Sixth Convention, I, 252  
 Sixth Regiment Cavalry officers, II, 1137  
 Sixth Regiment Infantry officers, II, 1120  
 Sizemore, John, IV, 461  
 Skaggs, Boyce H., IV, 421  
 Skaggs, Henry, I, 137, 149, 153, 157, 159  
 Skaggs, James, I, 138, 149, 153, 159  
 Skaggs, Romulus, V, 81  
 Skaggs' Station, I, 209  
 Skain, John, IV, 157  
 Skinner, James L., V, 537  
 Skinner, Phineas L., V, 537  
 Slack, Robert W., III, 285  
 Slate Blockhouse, I, 209  
 Slaughter, Gabriel, I, 494, 582; II, 588, 608, 667, 722, 753, 756, 777, 782, 1071, 1073  
 Slave laws, II, 805, 809  
 Slavery, I, 283, 302, 315, 392, 401; opposition to, I, 540; II, 601, 739, 796, 833, 849, 865, 906, 1004, 1067, 1204; Constitutional Convention of 1849, II, 813; in the new constitution, II, 817; statistics, II, 819; in the territories, II, 838  
 Slaves, run-away, I, 302; flogging of, I, 526; state laws regarding, I, 541; prices of, II, 599; lot of, II, 797; run-away, II, 804; exodus after the war, II, 908  
 Sledge, Garland D., IV, 548  
 Sloan, John A., IV, 501  
 Sloan, John G., IV, 509  
 Sloan, Preston L., III, 193  
 Slone, William H., V, 410  
 Smith, Benjamin D., II, 764  
 Smith, Bishop, II, 751  
 Smith, Charles Morehead, III, 169  
 Smith, Charles M., IV, 294  
 Smith, David D., V, 185  
 Smith, Edward S., V, 613  
 Smith, E. Kirby, II, 892  
 Smith, George R., IV, 39  
 Smith, Granby C., V, 591  
 Smith, Gustavus W., II, 1144  
 Smith, Hillard H., V, 29  
 Smith, Ira D., IV, 46  
 Smith, James Breckinridge, III, 292  
 Smith, James B., III, 167  
 Smith, James B. (McKinney), V, 196  
 Smith, John, I, 95, 194  
 Smith, John D., III, 492  
 Smith, John H., IV, 239  
 Smith, John S., II, 806  
 Smith, Joseph H., IV, 16  
 Smith, J. Lawrence, V, 22  
 Smith, J. R., III, 179  
 Smith, Kirby, II, 877, 1204  
 Smith, Lorenzo O., IV, 383  
 Smith, Milton H., III, 80  
 Smith, Napoleon B., IV, 397  
 Smith, Oscar M., IV, 437  
 Smith, Robert, I, 72  
 Smith, Roger H., IV, 153  
 Smith, Samuel, I, 67  
 Smith, Sawyer A., V, 72  
 Smith, Silas A., IV, 270  
 Smith, S. G., IV, 512  
 Smith, Thomas F., IV, 83  
 Smith, William B., V, 534  
 Smith, William H., V, 141  
 Smith, William T., IV, 143  
 Smith, Winfield S., IV, 401  
 Smith, Zachary F., II, 920, 989  
 Smith's Station, I, 209  
 Smithfield, II, 862  
 Smock, Napoleon M., III, 448  
 Snedaker, Morris, IV, 321  
 Sneed, Achilles, II, 633, 636  
 Snodgrass, James T., III, 548  
 Snodgrass, James W., IV, 279  
 Snook, Sidney J., V, 336  
 Snow, John C., III, 120  
 Snow, William B., IV, 307  
 Snyder, Augustus, IV, 581  
 Snyder, Claude F., III, 270  
 Snyder, George R., IV, 606  
 Snyder, Roy C., V, 90  
 Snyder, Thomas J., III, 597  
 Soaper, Richard H., IV, 209  
 Soaper, William H., III, 159  
 Social and intellectual development during Middle Period, II, 769  
 Social and economic development after Civil war, II, 920  
 Social and intellectual progress, 1792-1810, I, 524  
 Social classes, II, 796  
 Social conditions, II, 788; and character, II, 791  
 Social reforms, II, 992  
 Soldiers' land grants, I, 161  
 Soldiers, old, II, 772  
 Solomon, King, II, 752  
 Somerset, II, 611  
 Sommers, Henry A., III, 320  
 Sons of Temperance, II, 847  
 Soursley, J. H., II, 1187  
 Southard, Daniel B., V, 189  
 South Carolina's nullification ordinance, II, 704  
 Southeastern Kentucky, I, 55; II, 873  
 Southern Commercial Congress, II, 936  
 Southern, L. P., III, 344  
 Southern markets, II, 922  
 Southern trade to Louisville, II, 935  
 Southwestern Agricultural and Mechanical Association, II, 741  
 Southwestern Kentucky, II, 874, 876, 879; during Civil War, II, 872  
 South Western Rail Road Bank, II, 715  
 Sovereign Convention, II, 887, 1004  
 Sowards, Henry G., IV, 556  
 Sowards, Richard H., V, 79  
 Soyars, William O., V, 67  
 Spain and the Genet episode, I, 359

- Spalding, Ignatius A., III, 181  
 Spalding, Richard M., III, 582  
 Spalding, Victor L., III, 187  
 Spanish advances to Kentucky, I, 256  
 Spanish colonization scheme, I, 269, 275  
 Spanish conspiracy, I, 245, 457, 461: defeat of, I, 260; English influences, I, 270; II, 1061, 1064  
 Spanish Party, I, 363  
 Spanish plots, I, 252, 359, 406  
 Spanish territory, plot against, I, 322  
 Spears, Claude W., IV, 237  
 Spears, Joseph M., III, 566  
 Spears, S. Winstead, IV, 194  
 Spears, William R., IV, 194  
 Special legislation, II, 1005  
 Special session of 1862, II, 891  
 Speck, Frederick, III, 456  
 Speck, Roy B., V, 134  
 Speculation, I, 488; in western settlement, I, 162; II, 592, 651  
 Speed, James, I, 225, 234, 426; II, 1059  
 Speed, James B. W., III, 99  
 Speed, Joshua F., II, 858  
 Speed, Thomas, I, 303  
 Speed, William S., III, 99  
 Spencer County, II, 1101, 1112  
 Spencer, Frank H., III, 173  
 Spencer, Isaac J., IV, 88  
 Spencer, Spear, II, 1112  
 Spencer, William, III, 179  
 Speyer, Jacob, IV, 145  
 Sphar, Asa R., IV, 474  
 Spicer, Woodson W., III, 264  
 Spilman, James, V, 145  
 Spilman, Lucy L. M., V, 144  
 Spillman, Porter B., IV, 528  
 Spoils system, II, 699  
 Spoonamore, Morris D., IV, 266  
 Sprague, George P., IV, 156  
 Spratt, John B., III, 562  
 Spring Station, I, 209  
 Spurlock, Beriah M., IV, 457  
 Spurr, Levi P., III, 210  
 Squatter Sovereignty, II, 844  
 Squires, Richard M., IV, 165  
 Stacey, S. Windom, IV, 366  
 Stafford, John, I, 128  
 Stafford, Ralph, IV, 471  
 Stage coach, II, 1190  
 Stahr, Elvis J., III, 493  
 Stair, William C., IV, 451  
 Staley, Harmon, I, 126  
 Stallins, John, IV, 372  
 Stalnaker, Samuel, I, 58  
 Stambaugh, Harry G., V, 303  
 Standiford, Elisha D., V, 23  
 Stanler, E., III, 92  
 Stanley, Augustus O., II, 1015, 1072, 1081, 1086, 1096  
 Stanley, John B., III, 432  
 Stanley, Ossie W., V, 406  
 Stanley, Redford E., V, 259  
 Stansifer, Benjamin F., IV, 444  
 Stanton, Richard H., V, 620  
 Staples, J. Harry, III, 206  
 Stapp, Darwin M., III, 207  
 Starkey, Nody, V, 588  
 Starkey, Stella W., V, 589  
 Starks & Company, IV, 534  
 Starks, Leonos C., V, 110  
 Starks, Richard S., IV, 534  
 Starling, Edmund L., III, 265  
 Starling, Edmund L., Jr., III, 266  
 State bank, II, 719  
 State bank notes, II, 620, 866  
 State banks, II, 710  
 State courts, II, 658  
 State election of 1828, II, 689  
 State finances, I, 515; II, 599, 648, 715, 752, 988  
 State funds, II, 993  
 State geologist, II, 749  
 State government, first, I, 307  
 State guards, II, 885, 887, 894  
 State hospitality of, II, 786  
 State Illiteracy Commission, II, 991  
 State institutions, II, 779  
 State laws, revival of, II, 778  
 State Library, II, 772  
 State parties, II, 682  
 State politics, II, 674  
 State power to legislate, II, 668  
 State rights, I, 420; II, 976, 1063  
 State Rights versus the United States Bank, II, 650  
 State Road Fork, I, 64  
 State resources, II, 997  
 State sovereignty, I, 345  
 State Tobacco Fair, II, 1173  
 State University, II, 760  
 Statehood, I, 279; Sixth Convention, I, 252; Seventh Convention, I, 260; Eighth and Ninth conventions, I, 273; Third enabling act, I, 273  
 Statehood conventions, I, 226, 235, 252, 260, 273  
 Statehood movement, I, 221  
 Statehood parties, I, 261  
 Statehouse, temporary, I, 309  
 Statewide prohibition, II, 992  
 Station Camp Creek, I, 208  
 Stations and early settlements in Kentucky, I, 200  
 Stations on Beargrass Creek, I, 209  
 Staton, Willis, V, 123  
 Steamboats, I, 500; II, 592, 721, 927  
 Steamboat lines, II, 923  
 Steamboat traffic, II, 743  
 Steele, Andrew, II, 1051; III, 62  
 Steele, Augustus R., V, 377  
 Steele, James R., IV, 429  
 Steele, Richard, I, 234  
 Steele, Richard D., III, 363  
 Steele, Susan, III, 363  
 Steele, William A., III, 308  
 Steele, William K., IV, 380  
 Steele, William, Sr., III, 62  
 Steele, W. H., IV, 251  
 Steiner, Michael (Stoner), I, 135  
 Steltenkamp, J. Al, III, 500  
 Stembridge, Stanley D., V, 162  
 Stemming District, II, 1178  
 Stephan, Leon B., V, 551  
 Stephens, Dock B., V, 28  
 Stephens, Edward L., IV, 445  
 Stephens, Howard, IV, 446  
 Stephens, John E., III, 516  
 Stephens, William C., III, 519  
 Stephenson, Charles G., IV, 187  
 Stephenson, Elmer D., V, 123  
 Stephenson, John W., II, 1078; III, 512  
 Stephenson, Martha, V, 605  
 Stephenson, Mary, II, 1194; V, 605  
 Stephenson, Samuel F., IV, 502  
 Stephenson, William W., V, 604  
 Step Lightly, V, 26

- Stetter, George, IV, 233  
 Stevens, E. A., V, 497  
 Stevens, Hubbard L., IV, 434  
 Stevens, John H., IV, 15  
 Stevens, Lillie S., IV, 16  
 Stevenson, James M., III, 406  
 Stevenson, John M., IV, 605  
 Stevenson, John W., II, 914, 916, 917, 987, 1072, 1085, 1096  
 Stevenson, Nellie T., V, 114  
 Stevenson, Walter W., IV, 590  
 Stevenson, William S., IV, 228  
 Stevenson's Station, I, 209  
 Stevie, George E., III, 205  
 Steward, Cora W., II, 991  
 Stewart, Charles I., IV, 40  
 Stewart, John, II, 1035, 1038  
 Stewart, R. Lee, V, 52  
 Stewart, V. H., IV, 516  
 Stewart, William, I, 194  
 Stewart, W. K., IV, 623  
 Stewart, Zebulon A., III, 295  
 Stice, William N., V, 392  
 Stilz, Fred G., III, 90  
 Stites, Henry J., III, 70  
 Stites, John, IV, 90  
 Stites, William H., III, 208  
 Stitt, John W., III, 511  
 Stivers, Luther, IV, 189  
 Stivers, Walter F., V, 268  
 Stock-raising, I, 302  
 Stockton's Station, I, 209  
 Stokes, Hannah M., III, 283  
 Stokes, S. J., III, 283  
 Stoll, Charles C., IV, 42  
 Stoll, John W., III, 359  
 Stoll, Richard C., V, 571  
 Stoll, Richard P., V, 570  
 Stone, Barton W., I, 540  
 Stone, Fred, V, 296  
 Stone, James C., II, 1184, 1186; III, 86  
 Stone, J. Boyle, V, 203  
 Stone, Lonie V., III, 34  
 Stone, May, IV, 648  
 Stone, Sam H., III, 295  
 Stone, Uriah, I, 160  
 Stone, William J., II, 1009; V, 358  
 Stone, William R., IV, 109  
 Stone, William S., IV, 355  
 Stoner, Michael, I, 114, 162; II, 1039  
 Stout, John B., IV, 428  
 Stout, Robert L., III, 424  
 Strange, Finis A., III, 538  
 Strange, William, IV, 156  
 Stratton, Pemberton B., IV, 379  
 Strausburg, Robert H., IV, 477  
 Street, George P., IV, 508  
 Street, John O., IV, 508  
 Street, Joseph M., I, 457, 475, 476  
 Strickler, Frank P., III, 343  
 Strikes, II, 999  
 Strodes Station, I, 194, 209  
 Strode, William D., III, 43  
 Strother, Charles, V, 143  
 Strother, John C., III, 372  
 Strother, William H., III, 286  
 Stroud's Station, I, 209  
 Stroud, Thomas J., V, 44  
 Struve, Felix K., IV, 285  
 Stuart, James, III, 287  
 Stuart, Robert, II, 1052, 1054  
 Stuart, R. M., III, 287  
 Stuck, W. G., III, 95  
 Stucker, Jacob, I, 195  
 Stucky, Joseph A., IV, 88  
 Stucky, William S., III, 295  
 Stults, Thomas R., V, 295  
 Stumbo Brothers, IV, 467  
 Stumbo, Edward, IV, 468  
 Stumbo, Oliver H., IV, 457  
 Stumbo, Walker L., IV, 468  
 Stump, O. A., IV, 369  
 Stump, Sidney, III, 54  
 Sturgeon, J. L., IV, 608  
 Sturgus' Station, I, 200, 209  
 Sublette, Samuel O., IV, 584  
 Suffrage, I, 282  
 Sullivan, Allen D., III, 104  
 Sullivan, Garrett D., V, 556  
 Sullivan, James A., V, 183  
 Sullivan, Jere P., IV, 43  
 Sullivan's Old Station, I, 209  
 Sullivan's Station, I, 209  
 Summe & Ratermann Company, III, 106  
 Summe, Frank B., III, 106  
 Summe, J. Herman, III, 106  
 Sumner, Charles, II, 915  
 Summit Station, I, 209  
 Sunday, mails on, II, 794  
 Superintendent of Education, II, 767  
 Superintendent of Schools, II, 759  
 Supreme Court, I, 217, 400  
 Swearingen, Embury L., IV, 322  
 Sweeney, E. B., III, 87  
 Sweeney, James J., IV, 336  
 Sweeny, Joseph A., III, 398  
 Sweets, Henry H., III, 162  
 Swift, John, I, 110, 121, 126; and his men, I, 123; Journal of, I, 129  
 Swift's silver mines, I, 110  
 Swiss immigrants, II, 996  
 Swope, John W., V, 272  
 Swope, Thomas M., III, 338  
 Swope, William M., III, 358  
 Sycamore Shoals, I, 163  
 Sycamore Shoals treaty, I, 54  
 Symonds, H. C., II, 878  
 Tabeling, William H., III, 121  
 Tachau, Emil S., III, 378  
 Talbert, W. B., III, 149  
 Talbot, Isham, II, 1083, 1097  
 Talbot, John G., V, 483  
 Talbott, Robert C., III, 361  
 Taliaferro, Francis M., IV, 517  
 Tammany Society of Lexington, II, 804  
 Tan yard, I, 301  
 Taney, Roger B., II, 709  
 Tanner, E. J., V, 280  
 Tanner, Kirby L., III, 117  
 Tanner's Station, I, 209  
 Tariff, II, 693  
 Tariff Act of 1816, II, 600  
 Tariff of abominations, II, 693, 704  
 Tariff of 1832, II, 694  
 Tariff of 1833, II, 705  
 Tariff Protection, I, 507; II, 1066  
 Tariffs, American system of, II, 689  
 Tarter, Add, V, 481  
 Tarter, James B., V, 434  
 Tarvin, James P., III, 447  
 Tarvin, Pryor C., III, 134  
 Tate, Earl R., III, 537  
 Tate, James W., II, 917, 993  
 Tate, Robert L., V, 334  
 Tate, Samuel G., V, 640

- Tavern laws in 1793, II, 1189  
 Tavern of pioneer days, II, 1188  
 Taxation, I, 216, 286  
 Taxation of banks, II, 651  
 Taxes on liquors, I, 405  
 Tax Exemptions, II, 999  
 Taylor, Asa P., III, 291  
 Taylor, Basil M., V, 80  
 Taylor, Coleman, V, 251  
 Taylor County, II, 1102, 1112  
 Taylor, Eda, III, 592  
 Taylor, Edmund H., Jr., V, 592  
 Taylor, Jacob S., V, 594  
 Taylor, James, V, 134  
 Taylor, James D., V, 202  
 Taylor, John, I, 67  
 Taylor, John D., II, 767  
 Taylor, John F., IV, 136  
 Taylor, Jonathan G., III, 70  
 Taylor, J. H., III, 135  
 Taylor, Lillie M. M., IV, 418  
 Taylor, Martin S., III, 174  
 Taylor, Nathan P., III, 205  
 Taylor, Pigman, III, 135  
 Taylor, Powell, V, 165  
 Taylor, Richard, I, 234, 270  
 Taylor, Robert, II, 762  
 Taylor, Robert P., II, 1187  
 Taylor, Robert S., IV, 166  
 Taylor, Samuel, I, 270  
 Taylor, Vardy, IV, 267  
 Taylor, Wallis B., V, 49  
 Taylor, William A., III, 264  
 Taylor, William C., III, 47  
 Taylor, William S., II, 1009, 1072, 1080  
 Taylor, William Spencer, IV, 478  
 Taylor, William Sherman, V, 490  
 Taylor, Zachary, II, 826, 1112; (portrait), II, 830  
 Taylor's Creek Station, I, 209  
 Teachers meeting in 1833, II, 763  
 Tecumseh, I, 211, 547, 560, 561  
 Teed, E. J., III, 194  
 Telegraph lines, II, 773  
 Tellico lands, II, 658  
 Temperance movement, I, 540; II, 794, 847, 992, 1002  
 Temperance party, II, 848  
 Tennessee, name, I, 4  
 Tennessee boundary line, I, 517  
 Tennessee River, I, 3, 522; II, 876  
 Tenth Regiment Cavalry officers, II, 1139  
 Tenth Regiment Infantry officers, II, 1122  
 Terrell, Richard, I, 234  
 Terrill, Edward B., III, 204  
 Terry, Newton S., IV, 284  
 Terry, Thomas, V, 16  
 Texan question, II, 820, 821  
 Texan Revolution, II, 821  
 Texas, annexation of, II, 825  
 Thames River battle, I, 561  
 Thatcher, Anthony, III, 549  
 Thatcher, Maurice H., IV, 63  
 Theatre, II, 793  
 "The Roughs," I, 98  
 Third convention in Danville, I, 231  
 Third Regiment Cavalry officers, II, 1136  
 Third Regiment Infantry officers, II, 1119  
 Thirteenth Amendment, II, 906, 908, 912  
 Thirteenth Regiment Cavalry officers, II, 1141  
 Thirteenth Regiment Infantry officers, II, 1123  
 Thirtieth Regiment Infantry officers, II, 1130  
 Thirty-fourth Regiment Infantry officers, II, 1131  
 Thirty-fifth Regiment Infantry officers, II, 1130  
 Thirty-ninth Regiment Infantry officers, II, 1132  
 Thirty-second Regiment Infantry officers, II, 1131  
 Thirty-seventh Regiment Infantry officers, II, 1132  
 Thomas, Charles T., III, 567  
 Thomas, Cleo, V, 196  
 Thomas, George H., II, 1202  
 Thomas, John, I, 565  
 Thomas, Robert P., V, 243  
 Thomas, William H., IV, 609  
 Thomason, Andrew B., III, 383  
 Thomason, William A., III, 496  
 Thomasson, Edward F., III, 283  
 Thompson, Alexander B., V, 121  
 Thompson, Andrew J., V, 356  
 Thompson, Charles R., IV, 84  
 Thompson, Columbus M., V, 195  
 Thompson, Grover C., IV, 39  
 Thompson, John B., II, 1084, 1097  
 Thompson, J. Mack, III, 168  
 Thompson, Linzy O., IV, 144  
 Thompson, William R., V, 644  
 Thompson, W. Lois, IV, 607  
 Thompson, Zachariah A., IV, 373  
 Thompson's Station, I, 209  
 Thomson, John W., V, 381  
 Thomson, Patrick H., V, 114  
 Thornbury, Hiram W., IV, 525  
 Thorne, William P., V, 631  
 Thornton, Prestly, I, 67  
 Thorpe, James H., IV, 195  
 Threlkel, Christopher C., III, 510  
 Threlkeld, William L., III, 308  
 Throckmorton, John W., III, 192  
 Thruston, Buckner, II, 1082, 1097  
 Thruston, Rogers C. B., IV, 78  
 Thurman, Everett D., IV, 491  
 Thurman, I. H., II, 1187  
 Thurman, Isaac H., V, 437  
 Thwaites, R. G., I, 114  
 Tichenor, John M., III, 510  
 Tileston, Harry B., IV, 142  
 Tilghman, Lloyd, II, 1144  
 Tilton, Arthur B., III, 593  
 Tilton, John W., III, 505  
 Timber, II, 1020  
 Timber resources, II, 747  
 Timber supply, II, 998  
 Timmons, James D., III, 462  
 Timmons, Henry L., III, 196  
 Timmons, Homer D., IV, 550  
 Tippecanoe, battle of, I, 548  
 Tippecanoe and Tyler Too, II, 717  
 Tinsley, Thomas D., V, 425  
 Tobacco, I, 286, 500; II, 592, 739, 927, 992; business, II, 996; pooling of, II, 1014; romance of and early use, II, 1162; inspection of, II, 1165; as medium of exchange, II, 1167; industry statistics, II, 1168; varieties of, II, 1168; early production in Kentucky, II, 1169;



- manufacture, II, 1172; growth and culture of, in Kentucky, II, 1177; dark, II, 1178; losses to growers, II, 1182  
 Tobacco factory, I, 301  
 Tobacco, field of (view), II, 1180  
 Tobacco market towns, II, 1181  
 Tobacco trusts, II, 1013  
 Tobacco war, II, 1013, 1181  
 Tobacco warehouses, II, 1167  
 Tobacco warehouse receipts, I, 299  
 Todd, Charles S., II, 583  
 Todd County, II, 1101, 1112  
 Todd, John, I, 174, 182, 186, 188, 191, 195, 198, 304, 305; II, 1049, 1112  
 Todd, Levi, I, 188, 194, 195, 210, 234, 303, 330; II, 1050, 1052  
 Todd, Robert, I, 234, 376, 399  
 Todd, Thomas, I, 227, 254, 303, 316, 320, 330, 400, 455, 482, 494, 553  
 Todd, Thomas B., II, 1058  
 Todd's Station, I, 209  
 Toll roads, I, 492; II, 729; raids against, II, 1012  
 Tolliver, James, V, 562  
 Tolliver, Sampson H., IV, 138  
 Tomlinson, George E., IV, 138  
 Tomlinson, William, I, 58  
 Toof, Franklin P., V, 329  
 Topography, II, 1017; relation to human progress, II, 1026  
 Tories, I, 293  
 Totero Indians, I, 11, 149  
 Totero town, I, 44  
 Toulmin, Harry, II, 1051  
 Towles, Robert H., III, 429  
 Town booms, I, 487  
 Town development, I, 488  
 Towns, beginning of, I, 217; in 1790, I, 296  
 Townsend, Robert P., IV, 448  
 Townsend, William H., IV, 211  
 Townsend, W. H., II, 1060  
 Trabue, Edmund F., IV, 64  
 Trabue, Eugene McD., III, 412  
 Trade, lines of, II, 922  
 Trade relations, II, 859  
 Trade rights down the Mississippi, I, 239  
 Trading companies, I, 160  
 Traffic, river, I, 485  
 Transportation, I, 489; cost of, II, 721; early, II, 922  
 Transylvania, and the first settlements, I, 160; Virginia, petition to, I, 168; death knell of, I, 171  
 Transylvania College, II, 754, 1059; (view), II, 1050; graduates and former students, II, 1059  
 Transylvania Company, I, 137, 162, 163, 172, 212, 218  
 Transylvania government, I, 165  
 Transylvania Law department, II, 1058  
 Transylvania Seminary, I, 304, 305; II, 1049  
 Transylvania, University, I, 526, 528; II, 758, 759, 760, 768, 787, 1049, 1052; golden era of, II, 1054; faculty in 1821, II, 1056  
 Trapp, Claude W., III, 87  
 Trappist Monks, II, 1022  
 Travel and transportation, I, 297; facilities for, I, 485; in pioneer times, II, 1190  
 Traveling church, I, 288, 534  
 Travis, William C., V, 60  
 Trawick, John D., III, 162  
 Treacy, Barney J., III, 300  
 Treacy, Bernard J., III, 300  
 Treacy, William J., IV, 190  
 Treaty of 1819, I, 55  
 Treaty of Ghent, I, 566  
 Treaty of Greenville, I, 389  
 Treaty of San Ildefonso, I, 425  
 Treaty of San Lorenzo, I, 355, 369  
 Tree growth, II, 1020  
 Trevathan, Ben L., V, 216  
 Trevathan, L. C., IV, 406  
 Trigg County, II, 1101, 1112  
 Trigg, Stephen, I, 77, 185, 188, 191, 193, 198, 210, 216; II, 1049, 1112  
 Trigg's Station, I, 210  
 Trimble County, II, 1101, 1112  
 Trimble, John, II, 631, 646  
 Trimble, Robert, I, 522; II, 1055, 1112  
 Triplett, George V., III, 280  
 Trivette, Emory E., IV, 366  
 Trosper, William M., IV, 421  
 Trotter, G. J., II, 701  
 Trotter, James, I, 234, 561  
 Trout, Anna, III, 238  
 True American, II, 810, 813  
 True South, The, II, 819  
 Tuck, Alfred H., III, 499  
 Tucker, Charles C., III, 177  
 Tucker, Lenox M., IV, 135  
 Tucker, M. W., V, 98  
 Tudor, James, V, 122  
 Tug Fork, I, 12, 65  
 Tug River, I, 96, 98, 143, 154  
 Tumbler's Run, I, 63  
 Turk, Alice B., V, 107  
 Turk Family, V, 106  
 Turk, John W., V, 106  
 Turk, J. W., V, 106  
 Turk, William L., V, 139  
 Turley, Thomas J., III, 322  
 Turlington, William (William Spurlock), I, 130  
 Turnbull, Lennox B., Jr., V, 591  
 Turner, Annie, IV, 542  
 Turner, Edmond D., IV, 521  
 Turner, James M., V, 398  
 Turner, James W., IV, 617  
 Turner, J. K. Polk, IV, 629  
 Turner, Squire, III, 553  
 Turner, Thomas O., V, 395  
 Turner, William C., V, 522  
 Turner, William T., III, 568  
 Turnpikes, II, 696, 721, 722, 920  
 Turnpike legislation, II, 723  
 Turnpike system, II, 727  
 Tuttle, John W., III, 533  
 Tuttle, Ronald S., V, 162  
 Twelfth Regiment Cavalry officers, II, 1140  
 Twelfth Regiment Infantry officers, II, 1123  
 Twentieth Regiment Infantry officers, II, 1127  
 Twenty-eighth Regiment Infantry officers, II, 1130  
 Twenty-first Regiment Infantry officers, II, 1127  
 Twenty-fifth Regiment Infantry officers, II, 1129

- Twenty-fourth Regiment Infantry officers, II, 1128  
 Twenty-ninth Regiment Infantry officers, II, 1130  
 Twenty-second Regiment Infantry officers, II, 1128  
 Twenty-seventh Regiment Infantry officers, II, 1129  
 Twenty-sixth Regiment Infantry officers, II, 1129  
 Twenty-third Regiment Infantry officers, II, 1128  
 Twetty's Fort, I, 210  
 Twyman, Iverson W., IV, 149  
 Twyman, Louise, IV, 149  
 Twyman, Judge, I, 194  
 Tye, John G., V, 414  
 Tyler, John E., V, 467  
 Tyler, William L., III, 79  
 Tyler's Station, I, 210  
  
 Underground railways, II, 806, 807  
 Underwood, Joseph R., II, 647, 825, 1084, 1097  
 Underwood, John R., II, 814  
 Underwood, Thomas C., IV, 458  
 Underwood, W. L., II, 866  
 Uniform roads, system of, I, 492  
 Union Agricultural and Mechanical Association, II, 741  
 Union, breaking the bonds of, II, 842  
 Union County, II, 999, 1101, 1112  
 Union Democrats, II, 896, 897, 914  
 Union forces, arms for, II, 886  
 Union Freight Association, II, 936  
 Union Labor party, II, 1002  
 Union meeting, Louisville, II, 707  
 Union military authorities, spoliation by, II, 878  
 Union party, II, 843, 858, 908  
 Union restoration policy, II, 911  
 Union sentiment in Kentucky, I, 440, 457; II, 838  
 Union sympathizers, II, 874  
 Union troops and munitions, II, 885  
 Unionists, II, 858  
 United States Army, officers from Kentucky in Civil war, II, 1114  
 United States bank, I, 511; II, 606, 608, 615, 650, 693, 709, 717; stockholders of, II, 672  
 United States Senators, list of, II, 1082; biographies of, II, 1086  
 University of Kentucky, II, 992; women admitted to, II, 1059  
 Universal suffrage, I, 280  
 Upington, Fred W., IV, 266  
 Upington, John V., IV, 266  
 Upper Blue Licks, I, 210  
 Upton Hill, II, 899  
 Urmston, Thomas D., III, 410  
 Usher, Luke, II, 1194  
 Utley, Newton W., V, 507  
 Utterback, James C., V, 337  
  
 Vaccination, II, 1052  
 Van Arsdall, Rufus M., IV, 259  
 Van Buren, Martin, II, 714  
 Vance, Chester M., V, 305  
 Vance, Eugene C., III, 272  
 Vance, Leslie M., V, 404  
 Vance, Robert D., III, 228  
 Vance, Samuel B., III, 228  
 Vance's Station, I, 210  
 Vancouver, Charles, I, 155  
 Vancouver's Fort, I, 210  
 Vancouver's settlement, I, 155  
 Vandalia project, I, 162  
 Van Deren, Edward F., III, 55  
 Van Liew, John R., IV, 337  
 Van Meter, Benjamin F., III, 390  
 Vanmeter's Fort, I, 210  
 Vanover, Roscoe, IV, 367  
 Vastine, Benjamin M., III, 103  
 Vaughan, Fred A., III, 467  
 Vaughan, James M., III, 63  
 Vaughan, John M., III, 541  
 Vaughn, J. M., IV, 194  
 Van Zandt, John, II, 808  
 Veal, Marvin S., III, 433  
 Veech, Bethel B., IV, 60  
 Venable, Charles L., V, 543  
 Venters, A. Ray, IV, 430  
 Versailles, II, 745, 787, 822, 970, 1078  
 Vest, George G., II, 1059  
 Vick, William S., IV, 48  
 Vicksburg, fall of, II, 883  
 Viele, Arnold, I, 160  
 Vienna Station, I, 210  
 Vigo, Francis, I, 179  
 Viley, Breckinridge, V, 57  
 Vincennes, I, 178, 179  
 Vine culture, I, 499  
 Viney Grove, I, 210  
 Vinson, Frederick M., III, 563  
 Vinson, George R., III, 573  
 Vinson, Robert L., III, 580  
 Virginia, western land claims, I, 223; attitude toward Kentucky statehood, I, 235; relations with, I, 273; debt of, I, 274; mother of Kentucky statesmen, I, 294  
 Virginia Compact, I, 274, 516  
 Virginia criminal code, I, 312  
 Virginia Military Lands, I, 213  
 Vital statistics, II, 993  
 Viva Voce voting, I, 477, 478; II, 837  
 Volstead act, II, 1027  
 Volunteers for War, of 1812, I, 552  
 Voorhies, Charles H., III, 221  
 Votes for women, II, 992  
 Voting, property qualification for, I, 401; written ballot in, I, 477; measures against negroes, II, 918  
  
 Waddell, Roy, IV, 346  
 Waddle, Robert B., V, 190  
 Wade, John W., V, 111  
 Wagers, James W., III, 245  
 Waggner, James H., IV, 260  
 Wagner, Charles K., IV, 441  
 Wagoner, John W., III, 583  
 Wahle, Augustus J., V, 299  
 Wake, Frank G., V, 493  
 Wake, Hugh, V, 505  
 Walam Olum, I, 22  
 Walden, W. B., IV, 387  
 Walker, Charles A. J., IV, 466  
 Walker, Claude L., V, 535  
 Walker, Daniel, I, 217  
 Walker, George, II, 1082, 1098  
 Walker, George C., III, 518  
 Walker, H. Swayne, III, 434  
 Walker, John W., IV, 241  
 Walker, Joseph H., IV, 452  
 Walker, Lewis L., IV, 246

- Walker, Murray H., III, 296  
 Walker, St. Clair, V, 601  
 Walker, Thomas, I, 7, 51, 57, 77, 137, 517;  
     II, 1031, 1198  
 Walker's Creek settlement, I, 134  
 Walker's line, I, 517  
 Wallace, Caleb, I, 234, 270, 284, 285, 303,  
     310, 529; II, 1050, 1052, 1064  
 Wallace, David M., III, 94  
 Wallace, James A., V, 610  
 Wallace, James B., IV, 441  
 Wallace, J. Franklin, III, 329  
 Wallace, Tracy, III, 96  
 Waller, Edward, I, 207  
 Waller, Jesse C., IV, 82  
 Waller, Frank F., III, 294  
 Waller, John, I, 207  
 Waller, Thomas S., Jr., III, 177  
 Walnut Hall Stock Farm, IV, 176  
 Walsh, John J., III, 552  
 Walter, Anton, IV, 220  
 Walters, Charles, III, 339  
 Walters, Clifford L., II, 1186  
 Walters, Edford L., V, 550  
 Walters, Henry N., III, 602  
 Walton, Edwin C., V, 183  
 Walton, Maud, IV, 182  
 Walton, Matt S., III, 382  
 Walton, Matthew, I, 234  
 Walton, Samuel B., IV, 143  
 Wanner, John L., V, 319  
 War Hawks, I, 549  
 War legislation repealed, II, 910  
 War of 1812, I, 545; II, 1065; effects on  
     tobacco planters, II, 1168  
 War spirit prior to 1812, I, 546  
 War taxes, II, 880  
 War with France, I, 403  
 War with Mexico, II, 825  
 Ward, Andrew H., IV, 121  
 Ward, Cora J., III, 313  
 Ward, James A., III, 313  
 Ward, Jay Q., III, 64  
 Ward, John H., II, 905  
 Ward, J. Miller, IV, 359  
 Ward, Samuel M., V, 587  
 Ward, William A., V, 9  
 Wardrop, James, I, 67  
 Ware, Orie S., V, 56  
 Warfield, Elisha, II, 1053  
 Warfield, William, I, 392  
 Waring, Thomas, I, 209  
 Waring's Station, I, 210  
 Warner's Station, I, 210  
 Warren County, II, 1100, 1112  
 Warren County High School, IV, 544  
 Warren, Edward L., III, 285  
 Warren, Henry T., IV, 626  
 Warren, W. A., V, 603  
 Warren's Station, I, 210  
 Warring, Thomas, I, 284  
 Warrior's Path, I, 60, 62, 69  
 Wash, Thomas A., IV, 262  
 Washburn, Edgar T., V, 335  
 Washington, I, 210, 219, 291, 296, 486,  
     488, 533; II, 745, 1191  
 Washington, Augustine, I, 67  
 Washington County, II, 1100, 1112  
 Washington, George, I, 69, 95, 528; II,  
     1005  
 Washington, Lawrence, I, 67  
 Washington, Mason County, I, 73, 115  
 Wason, Robert, IV, 599  
 Watauga River, I, 7  
 Waters, William A., V, 73  
 Wathen, John A., IV, 384  
 Wathen, John B., V, 441  
 Watkins, James A., III, 361  
 Watkins, James L., III, 529  
 Watkins, Mollie G., V, 600  
 Watkins, Philip T., IV, 427  
 Watterson, Henry, II, 774, 917, 995; III,  
     12  
 Watson, Edward C., IV, 622  
 Watts, Herman, IV, 256  
 Watts, William D., IV, 128  
 Waugh, John M., V, 482  
 Wayne County, I, 55; II, 951, 1031, 1101,  
     1112  
 Wayne, "Mad Anthony," at Fort Massac,  
     I, 340; campaign of, I, 353, 387; training  
     his army, I, 386  
 Wear, Edward W., V, 224  
 Wear, William O., V, 89  
 Weathers, Edmund P., IV, 399  
 Weathers, Garrett D., IV, 129  
 Weathers, James M., III, 539  
 Weaver, George W., V, 427  
 Webb, Annie P., IV, 32  
 Webb, Dermont G., III, 484  
 Webb, George, II, 1179  
 Webb, George M., III, 283  
 Webb, James W., V, 223  
 Webb, John, Jr., IV, 32  
 Webb, John A., V, 563  
 Webb, John B., V, 160  
 Webb, Kittie, J., III, 288  
 Webb, Mary G., IV, 101  
 Webb, N. M., V, 565  
 Webb, Richard S., IV, 101  
 Webb, Richard S., Jr., III, 184  
 Webb, Robert G., III, 43  
 Webb, Robert L., V, 226  
 Webster County, II, 1028, 1102, 1113  
 Webster, Daniel, II, 787, 839  
 Webster, Delia A., II, 807  
 Weddle, John M., V, 46  
 Weille, Ben, III, 472  
 Weille, James, III, 473  
 Weir, James, III, 276  
 Weir, James (deceased), III, 276  
 Weisenberger, Philip J., III, 595  
 Welch, Charles W., III, 166  
 Welch, Dan H., III, 575  
 Welch, James, II, 1052  
 Welch, John W., IV, 274  
 Welch, M. M., IV, 369  
 Weldon, William A., IV, 604  
 Wellman, Harry G., IV, 137  
 Wells, Carl A., V, 318  
 Wells, Clarence W., III, 275  
 Wells, Jimison K., IV, 552  
 Wells, John R., V, 100  
 Wells, Marcus L. K., IV, 438  
 Wells, Walter S., V, 10  
 Wells' Station, I, 210  
 Welsh Indians, I, 34  
 Welsh tradition, in early Indian history,  
     I, 32  
 Welsh, Walter S., III, 273  
 Wesley, Elbert T., IV, 513  
 Wesley, Eli G., V, 202  
 Wesley, Isaiah S., V, 201  
 West, Edward, I, 501, 503  
 West, James O., IV, 590  
 West Liberty, II, 899

- Western American, I, 532  
 Western migration, I, 288  
 Western World, I, 441, 457, 475  
 Westfall, John A., III, 591  
 Westerfield, Aretus A., III, 46  
 Westerfield, Clarence, III, 53  
 Wetzels, Joseph, IV, 227  
 Whaley, Clyde H., IV, 59  
 Whaley, Rice B., IV, 278  
 Whaley's Station, I, 210  
 Wheat, II, 739  
 Wheat, William H. D., IV, 225  
 Wheeldon, Milton E., V, 193  
 Wheeled vehicles, I, 297  
 Wheeler & Wheeler, III, 517  
 Wheeler, A. F., IV, 79  
 Wheeler, Blakemore, III, 139  
 Wheeler, Columbus B., V, 100  
 Wheeler, John W., III, 517  
 Wheeler, Leora O. A., III, 545  
 Wheeler, M. O., III, 517  
 Wheeler, Peter T., III, 544  
 Whelan, James L., III, 327  
 Whigs, II, 692, 693, 709, 714, 716, 717, 845; defeat of, 1844, II, 824; in 1848, II, 828  
 Whig party, decay of, II, 843  
 Winston, Philip H., III, 168  
 Whipp, Patrick W., V, 301  
 Whippoorwill Creek, I, 210  
 Whisky, manufacture of, I, 503; II, 996  
 Whisky Rebellion, I, 405  
 Whisky taxes, I, 319  
 Whitaker, Aquilla, I, 210  
 Whitaker, Little, IV, 650  
 Whitaker's Station, I, 210  
 White, Beverly P., III, 289  
 White, Frank M., V, 13  
 White, George W., III, 112  
 White, Henry A., IV, 275  
 White, Henry C., III, 116  
 White, James A., IV, 412  
 White, James W., IV, 597  
 White, Jerome B., V, 40  
 White, John G., V, 382  
 White, John W., IV, 480  
 White, Naret M., V, 453  
 White Oak Spring Station, I, 210  
 White, Otis, III, 495  
 White, S. J., III, 523  
 White Sulphur Springs, II, 792  
 White, William, III, 367  
 Whiteaker, J. D., V, 613  
 Whitehouse, Edgar, III, 198  
 Whitehouse, James U., IV, 436  
 Whitfield, Augustus F., V, 450  
 Whitfield, Bryan W., V, 450  
 Whitfield Family, V, 449  
 Whitley County, I, 55, 489; II, 1101, 1113  
 Whitley, William, I, 210; II, 1113  
 Whitley's Station, I, 210  
 Whitlock, Pete S., III, 244  
 Whitney, Asa, II, 735  
 Whitson, James H., III, 132  
 Whitt, B. E., IV, 556  
 Wicker, Melvin V., V, 297  
 Wickliffe, Charles, II, 701, 754  
 Wickliffe, Charles A., II, 673, 712, 732, 767, 897, 1071, 1075; V, 624  
 Wickliffe, Charles Arthur, V, 341  
 Wickliffe, D. C., II, 899  
 Wickliffe, George, II, 622  
 Wickliffe, Robert, II, 589, 597, 637, 648, 667, 762, 763, 774, 1055  
 Wiggins, Arris, V, 581  
 Wiggins, John S., V, 324  
 Wiggins, Orville J., V, 324  
 Wigglesworth, James M., IV, 616  
 Wilcoxson, George E., III, 548  
 Wildcat Mountain, II, 1204  
 Wilder, George W., IV, 360  
 Wilder, Jesse F., III, 161  
 Wilderness explorations, I, 41  
 Wilderness Road, I, 60, 211, 235, 376, 485, 490; II, 723, 1197, 1199  
 Wilderness trails, I, 126, 288, 289, 297  
 Wiley, Adam P., I, 134  
 Wiley, Harvey W., II, 1206  
 Wiley, Mrs., captivity of, I, 142; in the Indian camp, I, 150; escape and rescue, I, 155; late life of, I, 158  
 Wiley, R. L., III, 458  
 Wiley, Samuel, I, 135  
 Wiley, Thomas, I, 135, 139, 140, 152, 158  
 Wilhite, Everett C., V, 584  
 Wilhoit, James T., IV, 293  
 Wilkie, Lonnie H., V, 511  
 Wilkins, Charles, I, 458  
 Wilkinson, James, I, 231, 234, 237, 242, 246, 256, 257, 275, 279, 309, 362, 364, 369, 372, 384, 387, 435, 440, 453, 462; and the Spanish trade, I, 245; at New Orleans, I, 247; II, 592, 746, 1170  
 Wilkerson, Snelling, IV, 193  
 Willenborg, Harry J., IV, 221  
 Williams, A. Lee, III, 463  
 Williams, Casper C., III, 46  
 Williams, Charles, III, 305  
 Williams, Charles S., IV, 13  
 Williams, Claude S., III, 550  
 Williams, George W., II, 847  
 Williams, James T., III, 570  
 Williams, John A., V, 606  
 Williams, John N., IV, 454  
 Williams, John S., II, 1085, 1098, 1144  
 Williams, John W. F., IV, 494  
 Williams, J. C., III, 340  
 Williams, J. Mott, V, 468  
 Williams, Paul M., IV, 127  
 Williams, Roger D., IV, 487  
 Williams, Robert D., IV, 489  
 Williams' Station, I, 211  
 Williams, Willie D., III, 82  
 Williams, W. R., IV, 208  
 Williams, W. W., V, 219  
 Williamsburg, I, 61  
 Williamson, Cyrus M., V, 406  
 Williamson, George M., IV, 581  
 Williamson, John H., III, 591  
 Williamson, Laurence J., III, 404  
 Williamson, Thomas J., V, 358  
 Williamson, Vincent M., V, 405  
 Williamstown, I, 206  
 Willmoth, Argus D., IV, 19  
 Willmott, Curtis S., III, 213  
 Willoughby, G. A., V, 464  
 Willis, G. V., III, 494  
 Willis, James E. H., III, 400  
 Willis, Luther C., IV, 352  
 Willis, L. C., IV, 582  
 Willis, N., I, 534  
 Willis, Simeon S., III, 577  
 Wills, Edwin S., IV, 306  
 Willson, Augustus E., II, 1011, 1014, 1072, 1081; III, 24  
 Willson, James C., IV, 53  
 Wilson, Charles H., V, 96  
 Wilson, Durbin, IV, 272

- Wilson, Edward, V, 165  
 Wilson, Garret D., III, 288  
 Wilson, George, I, 234  
 Wilson, George S., III, 299  
 Wilson, Harry B., IV, 246  
 Wilson, Henry, I, 194  
 Wilson, John, I, 194  
 Wilson, John Edwin, V, 212  
 Wilson, John Elmer, V, 220  
 Wilson, John R., III, 490  
 Wilson, Joseph H., III, 594  
 Wilson, Joshua, II, 1192  
 Wilson, L. B., III, 127  
 Wilson, Martin G., IV, 43  
 Wilson, Ralph R., V, 185  
 Wilson, Richard E., IV, 410  
 Wilson, Samuel M., III, 365  
 Wilson, Samuel R., III, 364  
 Wilson, Sylvanus, V, 480  
 Wilson, Thomas H., IV, 309  
 Wilson, Walter A., V, 58  
 Wilson, William, III, 102  
 Wilson, William H., IV, 174  
 Wilson, William Henry, IV, 599  
 Wilson, Woodrow, I, 531  
 Wilson's Station, I, 211  
 Wilton, William, I, 126  
 Winchester, II, 821  
 Winchester Sun, V, 133  
 Winfree, William P., IV, 44  
 Winfrey, Mike C., III, 481  
 Wing, E. R., II, 917  
 Winn, John B., II, 1186  
 Winslow, George B., V, 240  
 Winstead, Frank V., III, 172  
 Winston, Philip H., III, 168  
 Winter of 1780, II, 1045  
 Wise, Edward A., III, 152  
 Wise, James E., III, 344  
 Wise, John F., III, 570  
 Wischart, James H., V, 357  
 Withers, Garrett L., III, 148  
 Withers, William T., III, 188  
 Witherspoon, Ambrose H., V, 169  
 Witherspoon, Ezra O., IV, 7  
 Witherspoon, Lister, IV, 112  
 Withrow, James M., V, 403  
 Withrow, Maude D., V, 404  
 Witt, Bernard G., III, 269  
 Wolf, Moses J., IV, 282  
 Wolf, Simon, IV, 83  
 Wolfe County, I, 112; II, 1102, 1113  
 Wolfe Island, II, 1000  
 Wolfe, Nathaniel, II, 1113  
 Wolford, John A., III, 478  
 Women as teachers, II, 765  
 Woman suffrage, II, 920, 992  
 Women, aid to Volunteers of 1812, I, 554; exempted from imprisonment for debt, II, 614  
 Wood, Abraham, I, 43  
 Wood, A. T., II, 1006, 1007  
 Wood, A. W., IV, 56  
 Wood, C. M., III, 436  
 Wood, James, I, 77  
 Wood, John, I, 457  
 Wood, John K., IV, 546  
 Wood, William, I, 210, 270  
 Wood, W. Logan, V, 140  
 Woodard, Ernest, III, 428  
 Woodbury, II, 899  
 Woodford, Catesby, IV, 254  
 Woodford County, I, 74, 291; II, 685, 807, 1100, 1113  
 Woodford, Maria, IV, 258  
 Woodford, Samuel A. B., IV, 257  
 Woodrow, William E., V, 433  
 Woodruff, Willis B., IV, 361  
 Woods, Alva, II, 761, 1057  
 Woods' Station, I, 211  
 Woodson, Hylan H., V, 281  
 Woodson, Obadiah, I, 95  
 Woodson, Silas, II, 1206  
 Woodson, Urey, V, 456  
 Woody, Albert P., IV, 338  
 Woolcott, Nelson, III, 164  
 Wooldridge, Sam L., V, 569  
 Wooley, Aaron K., II, 1058  
 Woolfolk, William T., IV, 92  
 Wootton, Bailey P., V, 541  
 World War, II, 1015; results in tobacco sections, II, 1182  
 Worsham, John C., III, 265  
 Worsham, Walter H., IV, 419  
 Worthington, Edward, I, 211  
 Worthington, Edward L., V, 585  
 Worthington, William, IV, 120  
 Worthington, William A., V, 413  
 Worthington's Station, I, 211  
 Wright, Ben F., V, 30  
 Wright, Ben T., II, 1187; III, 554  
 Wright, Fonse, V, 45  
 Wright, George, I, 1  
 Wright, John R., III, 265  
 Wright, S. Leo, III, 536  
 Wright, T. G., V, 520  
 Wright, William M., V, 107  
 Wright, Walter S., IV, 531  
 Wyandots, I, 1  
 Wyatt, Charles C., V, 49  
 Wyles, John P., IV, 304  
 Wyman, Burton E., V, 33  
 Wynns, John G., III, 160  
 Wythe, George, I, 176  
 Yakel, Ralph, V, 344  
 Yancey, Hogan, IV, 207  
 Yandell, Lunsford P., V, 624  
 Yantis, Samuel S., III, 320  
 Yates, John A., III, 480  
 Yazoo colonization scheme, I, 276  
 Yeager, John R., V, 152  
 Yeaman, Malcolm, III, 414  
 Yellowfever, II, 1078  
 Yewell, Algernon S., III, 61  
 Yewell, Lewis E., III, 82  
 Yewell, Morgan, III, 416  
 Yocum, Jesse, I, 193  
 York, Leonidas H., V, 529  
 Young, Ambrose P., V, 200  
 Young, Frank O., III, 170  
 Young, James F., V, 432  
 Young, John C., II, 763, 802, 814; V, 624  
 Young, John G., V, 401  
 Young, Lewis W., IV, 641  
 Young, Lucien, III, 171  
 Young, Lucy S., III, 181  
 Young, Milton, III, 180  
 Young, Richard B., V, 196  
 Zimmerman, James R., IV, 554  
 Zinn, Newton G., IV, 226  
 Zinszer, Julia E., III, 319  
 Zinszer, Louis J., III, 319  
 Zollicoffer, General, II, 887, 888



# History of Kentucky

## CHAPTER I

### ORIGIN AND MEANING OF NAMES

To determine the true origin and meaning of historical and geographical names is frequently a difficult matter. Sometimes it is impossible. It has required many years to work out the origin and meaning of some of the important names connected with the history of Kentucky. It is believed, however, that these points are finally settled here.

*Kentucky* is a beautiful word, derived from the Wyandot dialect of the Iroquoian tongue. As a name for the state it is splendid. No other state has a name of more beauty, dignity, sublimity. Its significance is prophetic of coming greatness, of progress, of leadership in free, independent, and untrammelled government for and by the people under the law, of which she was the pioneer in the Mississippi Valley—if, indeed, not in all America.

### KENTUCKY

The origins urged for the name of Kentucky are erroneous. "Meadow-lands," "At the Head of a River," "The Dark and Bloody Ground," are all applications of misapprehensions. "The River Red with Blood" or "Bloody River," attached to the Ohio River. From this, the name "Bloody River" became fixed upon the Kentucky River, and possibly other branches of the main stream. This connection is the progenitor of the "Dark and Bloody Ground" of Boone and other explorers.

The Iroquois conquered the Ohio Valley and expelled or exterminated the Indian tribes living there and with whom they battled. It was, no doubt, a bloody conquest. Memory of it remained among the victors as well as the defeated tribes, for a fair land was made a solitude. None dared live there. The conquerors might have done so, but the time for their removal thither never came. The land included in the State of Ohio was a part of the conquest. In fact, it embraced the larger part of the Ohio Valley.

The Iroquois desired to retain this conquered domain. They set the Wyandots (Iroquoian) as over-lords of it to live in it, and to manage it in their name. They had seen the ruin of other Eastern tribes and could but believe that they might share the same fate. In that case, they too, would take refuge in the West—in the Ohio Valley. They saved their possessions there for that purpose. And in speaking of their fine holdings in that valley they designated them as "The Land of To-morrow" that is, the land in which they intended to live in the future if thrown out of their present home.

Häh-shē'-träh, or George Wright, was the sage of the Wyandots. He lived to a great age, and died on the Wyandot Reserve, in what is now Oklahoma, in 1899. His father was a St. Regis Seneca, and his youth was spent among the Iroquois in New York and Canada. He

was a man of great intelligence, and he had the instinct of the historian. He belonged by both kinship and adoption to the Wolf Clan of the Wyandots, and his name signified "The Foot-print of the Wolf." The writer knew him well for a quarter of a century. Much of what is written here under the head of "Kentucky," was acquired from him.<sup>1</sup>

And he said more. The word Kāh'-tēn-tāh'-tēh is of the Wyandot tongue. It means, in the abstract, *a day*. It may mean a period of time, and can be used for past or future time. When shortened to Kēn-tāh'-tēh it means "to-morrow," or "the coming day," though it is not the word ordinarily used for those terms. But it came to be the word used to apply to the Iroquoian possessions on the Ohio, and, gradually, to those on the south side of the Ohio. That is, these holdings constituted "The Land of To-morrow," or "The Land where we will live To-morrow"—"The Land where we will live in the future." A good translation of the word as it came to apply to the country of Kentucky is "The Land of To-morrow."

This Wyandot word, like other Indian proper names, was corrupted by the whites. "Kēn-tāh'-tēh" easily became "Cantocky," "Cantuckee," or "Kaintuckee," and, finally, through various changes, assumed its present form—Kentucky, "The Land of To-morrow."

There can be little or no doubt as to this being the true origin and correct significance of the name *Kentucky*.

## OHIO

It is strange that students still perpetuate—or attempt to perpetuate the errors which have long surrounded the origin of this name. There is no doubt but that the French called the Ohio River "La Belle Riviere" or "Beautiful River." But they got no such name from the Indians. It was their own name for this fine stream. In Colonial times it was often spoken of as "The River Red with Blood," or "The Bloody River." These allusions later attached to the Kentucky River through the misapprehension of the explorers and pioneers.

The word *Ohio* means great—not beautiful. It is an Iroquoian word. In Wyandot it is O-hē'-zhū (ō-hē'-zhū). In the Mohawk and Cayuga it is O-hē'-yō (ō-hē'-yō). In the Oneida it is O-hē' (ō-hē'). In the Seneca it is the same as in the Wyandot. The Wyandots called the river the O-hē'-zhū (ō-hē'-zhū)—the *Great River*. All the Iroquois called it the *Great River*. It ran from their western possessions to the gulf—the sea. They considered it the main stream. With them it was the Ohio to the Gulf of Mexico.

The State of Ohio got its name from the Ohio River.<sup>2</sup>

<sup>1</sup> The author makes apology for speaking here, and at another point in this paper, in a personal way. The meaning could be better expressed by doing so, and expressed much more briefly.

<sup>2</sup> Ohio is derived from the Iroquois. The original is variously spoken in the different dialects. In Wyandot it is ō-hē'-zhū; in Mohawk and Cayuga it is ō-hē'-yō; in Onondaga and Tuscarora it is ō-hē'-yē; in Oneida it is ō-hē'; in Seneca it is very nearly the same as in Wyandot. Darlington, in his *Christopher Gist's Journals*, p. 94, and Morgan in his *League of the Iroquois*, say this word means "fair," "beautiful," and that the Iroquois called the Ohio the Beautiful River. The French so called it (La Belle Riviere), but there is no evidence that they secured the name from any Indian original.

The word does not mean "fair," neither does it mean "beautiful." It means *great*. The Iroquois, therefore, called the Ohio the Great River. The Wyandots called it ō-hē'-zhū Yān'-dā-wā'-yē—Great River. And in the various dialects of the Iroquois it is so called without exception. They give the stream that name from its source to the Gulf of Mexico; with them it is the main stream and has but one name. When I became acquainted with the Wyandots they told me of hunting trips to the "Sunken Lands" on the Ohio. "But," I replied, "there are no sunken lands on the Ohio." "Yes," they said, "plenty on Ohio; plenty by New Madrid."



## MISSISSIPPI

This name is of Algonquian origin. *Sipu* in that tongue means *river*. The traditions of the Delawares tell of migration of that people. They came to a mighty river, now believed to have been the Mississippi. They called it *Namaesi-sipu*, that is, *Fish River*. They always spoke of it as the *Namaesi-sipu*. Whether they had in fact crossed this river or not, their descendants believed they had and applied to it always the name given it by their ancestors in an early age. In its widespread usage through the centuries, the name became modified or slightly shortened. But it remains to this day the *Maesisipu* or *Fish River*. The name of the river gave name to the State of Mississippi. There is no significance in the name even approaching "Gathering in all the Waters," or "Great Long River," or "Father of Waters," or "Mother of Floods." White people may rightly attribute these qualities to the great river, but it is erroneous and wrong to contend that the Indian name carried any such meaning. For it does not.

## THE TENNESSEE AND TRIBUTARIES

On the map of South Carolina and Georgia, 1733, published in London in that year, in a pamphlet supposed to have been written by General Oglethorpe, the Tennessee River is marked "Cussetaolias Hochelepe" River. It is there marked down as a long straight river rising east of the "Meridian of Charles Town," and flowing west into the Ohio. Ramsey says that the Indians called this river Kallamuchee, which he believed to be the original name of the stream. He believed that the first explorers named it Riviere des Cheraquis, or Cosquinabeaux. If he is correct, the first Europeans to explore and map the Tennessee River were the French. One of the principal Cherokee towns, in 1730, was Nequassee, which is located by Adair in the mountains at the sources of the Hiwassee River. Here Sir Alexander Cumming held a treaty with all the chiefs of the Cherokees in that year. He designated a chief named Moytoy, of Tellico, to be the head chief of the whole Cherokee Nation, which consisted at that time of the Lower Town, the Middle Towns, the Valley Towns, and the Overhill Towns. Like all other kings, Moytoy wanted to take high place among sovereigns. He wanted to open an acquaintance or correspondence with the ruler of England, so he was sent on an embassy to that august personage. He carried the crown of the Cherokees with him. It consisted of five eagle-tails, and four scalps of enemies of the Cherokees. The Crown had to be brought from the chief town of the Cherokee Nation, which was named Tanassee. This town was in the country of the Overhill Cherokees, which seems to have always been the principal community of the Cherokee people. Ramsey says that this is the first mention of Tanassee. He says the town was on the west bank of the present Little Tennessee River, a few miles above the mouth of Tellico, and afterwards gave the name to Tennessee River and to the state.<sup>3</sup>

In speaking of the Cherokees, in 1702, M. Pericaut mentions the Tennessee River. He says "ten leagues from the mouth of this river (Ohio) another falls into it called Kasquinempas (Tennessee). It takes its source from the neighborhood of the Carolinas and passes through the village of the Cherokees."<sup>4</sup>

"But New Madrid is on the Mississippi," I insisted. "We call him Ohio—all along, Ohio; not call him Mississippi any place." The Iroquois must have had at some time a name for the Mississippi above the mouth of the Ohio, but those I have met do not remember it.—*The Heckewelder Narrative*, edited by William Elsey Connelley, The Burrows Brothers Company, Cleveland, Ohio, pp. 162, 163, note.

<sup>3</sup> Ramsey's *Annals of Tennessee*, 47, note.

<sup>4</sup> *Fifth Annual Report Bureau of Ethnology*, 139.

Bartram, who traversed the Cherokee Country between 1773 and 1778 furnishes an enumeration of the village of the Cherokees with their locations.<sup>5</sup> He gives a list of—

Four towns "On the Tanase east of the Jove Mountains."

Four towns "Inland, on the branches of the Tanase."

Eight towns "On the Tanase over the Jove Mountains."

Five towns "Inland towns on the branches of the Tanase and other waters over the Jove Mountains."

Eleven towns "Overhill towns on the Tanase or Cherokee River."

In the last enumeration, the "Tanase or Cherokee River" would seem to imply that the name Tanase applied to the whole Cherokee River at that time. The name first was the name of the river now known to us as the Little Tennessee. If the words "Tanase or Cherokee River" is correct, then the name Tanase became the name of the whole river from the mountains, by way of the Little Tennessee, to the Ohio before the year, 1773.

On the "Earliest Map showing the location of the Cherokees, 1597,"<sup>6</sup> the Tennessee River is laid down but not named. The map was made by Coverely Wytfliet from the knowledge of the country obtained by De Soto's Expedition.<sup>7</sup> It is correctly divided into two branches or, perhaps, valleys, the Little Tennessee and Hiwassee, and the Holston. It is now generally believed that De Soto was in East Tennessee, and that the Tennessee River was first explored, or at least seen by Spaniards.

Haywood says that the Cherokees have always designated the Tennessee by the name of the "Big River."<sup>8</sup>

King's Handbook of the United States says "the name Tennessee is a Cherokee word, meaning 'a Curved Spoon,' or 'A Bend in the River.' It was derived from Tanassee, the chief village of the Cherokee tribe, which stood on the shore of the river. The name was applied (to the State) upon motion of Andrew Jackson."

The name could not mean a "curved spoon" unless the Cherokees had among them seers or prophets, who were able to look forward some hundreds of years, perhaps, and see spoons in the possession of the Europeans who were to visit them after the discovery by Columbus. The theory that the word might mean "a bend in the river," or "the river with the great bend" might be plausible if we knew that the name always attached to the whole river. The signification of the word Tanase is probably lost for all time. Its origin is lost also. We only know when it first appeared in the writings of the Europeans and to what it then applied. We know also that it is an Indian word of great beauty, and we can commend the wisdom that selected it as the name for a great state.<sup>9</sup>

The French bestowed the name Cherokee on the Tennessee River and it was thus known to the earlier settlers and explorers, until that name was replaced by Tennessee. Haywood says "the river to the south of Holston as laid down in the old maps is called the Tanses or Tanasees. The Big Tennessee, below that, is called the Hogoheegee."<sup>10</sup> Ramsey says that it was the Holston which was known as the Hogoheegee.<sup>11</sup>

<sup>5</sup> *Bartram's Travels in North America*, 371.

<sup>6</sup> *Bureau of Ethnology, Fifth Annual Report*, 128.

<sup>7</sup> *Ibid.*, 135, 136.

<sup>8</sup> *Haywood's Civil and Political History of Tennessee*, 30.

<sup>9</sup> *Tennessee (Ta-nasi or Tansi)*. The name of two or more Cherokee settlements at an early period. The principal one was on Little Tennessee River, a short distance above its junction with the main stream, in East Tennessee. Another was on an extreme head branch of Tuckasegee River, above the present Webster, North Carolina. The name has lost its meaning, all the so-called derivations being fanciful.—*Handbook of American Indians*, Vol. 2, p. 729.

<sup>10</sup> *Haywood's Civil and Political History of Tennessee*, 39.

<sup>11</sup> *Ramsey's Annals of Tennessee*, 87.

The Holston River was known to the English at an early date. It is one of the most noted rivers in the annals of the settlement of the country west of the Alleghanies. A Mr. Vaughan, of Virginia, passed down the Holston in 1740, in company with some Virginians who were trading with the Cherokees.<sup>12</sup> Haywood says that the Holston was known to the Cherokees by the name of Watauga, and that this name was lost by the settlement upon it of one Stephen Holston some years before 1758.<sup>13</sup> Haywood also says that "the Indians called the Holston the Coot-cha." But Ramsey points out that it was only that part of the river from the mouth of the Little Tennessee to the mouth of the French Broad that was known as the Cootcha to the Indians. The Holston was believed to be the head or main branch of the Tennessee River by the early explorers, and as such was called the Cherokee River.<sup>14</sup> The Holston is sometimes called Holstein by early writers, and on Lewis Evans' Map, 1775, it is marked "Helston R." It is laid down on the Nuremberg Map, 1756, as "Holston's R." On this map the Tennessee River is marked "Hogehege or Cherakees R." On the Little Tennessee, which is not named, a town is marked "Tonase."

The date when Stephen Holston's name attached to this river is not known. It seems to have been widely known as Holston River before 1750. At that time it was not known by any other name. Doctor Draper says that prior to 1748, Holston, during a hunt, had discovered this river. The river had been known to the whites for many years before this. Mr. Vaughan had passed down it and described it in 1740. In view of this, it would, in all probability, require more than a mere discovery by Holston to fix his name on the river. He must have settled there and remained for a sufficient time for it to become known to the traders and frontiersmen in order to give his name to the river. And this must have been prior to 1748, as the river was then called Holston. He lived in South Carolina in 1753, and after that date, again settled on the Holston. Doctor Draper's statements are contradictory on this point. In one place he says that the river was known as the Holston, before April, 1748. In another, he says that Holston's name did not become fixed to the noble stream which he had discovered until after his return from Natchez, which was later than 1753.<sup>15</sup>

<sup>12</sup> Haywood's *Civil and Political History of Tennessee*, 40.

<sup>13</sup> *Ibid.*, 42.

<sup>14</sup> "In the map accompanying Adair's book, the river from the head of Holston to the confluence of the Tennessee and Ohio is called Cherake. The Cumberland is called Old Shawvanon, or river of the Shawnees. Near the source of the latter stream, a tributary of the Tennessee takes its rise; it is probably intended for the modern Clinch. The Hiwassee is called Euphasee, of which Chestoe is a confluent. Tennase is the stream now known as Little Tennessee."—Ramsey's *Annals of Tennessee*, 80.

<sup>15</sup> "There were settlers on both New and Holston Rivers prior to 1756—Vause, Stalnacker and others on New River; and Stephen Holston, at least, on the river bearing his name, which was known as such anterior to April, 1748, when Dr. Walker, in his Journal of 1750, refers to it by that designation at that date.

"A further notice of Stephen Holston, or Holstein, seems fitting in this connection. He was of an adventurous turn, and prior to 1748 had, during a hunt, discovered the river named after him. It was after this discovery that he settled on the Little Saluda, near Saluda Old Town, in South Carolina, where, in the summer of 1753, a party of Cherokees returning from a visit to Gov. Glen, at Charleston, behaved so rudely to Mrs. Holston, in her husband's absence, as to frighten her and her domestics away, fleeing several miles to the nearest settlement, when the house was robbed of utensils and corn, and two valuable horses were also taken. Holston and some of his neighbors settled on Holstons River, in what subsequently became Botetourt county; soon after this, they constructed canoes, and passed down the Holston into the Tennessee River, through the Muscle Shoals, and down the Ohio and Mississippi as far as Natchez. Returning from this notable adventure, his name became fixed to the noble stream which he discovered, and upon which he made the primitive

The Clinch River was not explored and named until long after the Holston was well known. Haywood relates that the Clinch River and Clinch Mountain were named from the following circumstance. "An Irishman was one of the company; in crossing the river he fell from the raft into it, and cried out, 'Clinch me! Clinch me!' meaning lay hold of me. The rest of the company, unused to the phrase, amused themselves at the expense of the poor Irishman, and called the river Clinch."<sup>16</sup> This can hardly have been the origin of the name Clinch, for the circumstance is described as having occurred after the year 1761. Doctor Walker, in his Journal of 1750, speaks of "a river, which I suppose to be that which the hunters call Clinches River from one Clinch a Hunter, who first found it."<sup>17</sup> Doctor Walker's account of how the river obtained its name is the correct one.

Ambrose Powell was one of Doctor Walker's party in 1750. Hunters and explorers were much in the habit of cutting their names on the smooth bark of the great beeches growing in the wilderness. There are many references to this practice, in Doctor Walker's Journal, and in other works. In 1761, a party of hunters, consisting of nineteen men, went into what is now Lee County, Virginia, and established a hunting station on a creek which they named Walden's or Wallen's Creek from the fact that Elisha Wallen or Walden was one of the principal men of the company. Haywood writes the name *Wallen*. Withers and Dr. Draper write it *Walden*, which is probably correct, although the name which the creek and mountain retain is *Wallen*. This party gave names to many creeks, rivers, and mountains in Virginia, while hunting there in 1761. On a birch tree on Powell's River, near the mouth of Wallen's Creek, they found cut the name "Ambrose Powell." From this circumstance they named the river, Powell's River, and from this came the names of Powell's Valley and Powell's Mountain. For Wallen, they also named Wallen's Ridge, and for other men in the company, they named Scaggs' Ridge, and Newman's Ridge. They named Copper Creek from a yellowish iron ore which they found there.<sup>18</sup>

The following quotation from Ramsey, on the origin of the name French Broad, may be of interest: "By prior discovery, if not by conquest or occupancy, France claimed the whole valley of the Mississippi. Louisiana stretched to the head-springs of the Alleghany and the Monongahela, of the Kenhawa and the Tennessee. Half a mile from the head of the southern branch of the Savannah river is Herbert's Spring, which flows to the Mississippi; strangers who drink of it would say they had tasted of French Waters.' This remark of Adair may probably explain the English name of the principal tributary of the Holston. Traders and hunters from Carolina, in exploring the country and passing from the head waters of Broad River, of Carolina, and falling upon those of the stream with which they inosculate west of the mountain, would hear of the French claim, as Adair did, and call it, most naturally, French Broad."<sup>19</sup>

settlement. His location on Holston was at the head spring of the Middle Fork; his log cabin was on the hill side some thirty rods from the spring. In 1774, one Davis occupied the place, and related that Holston had left several years before that date. On the breaking out of the Indian war in 1754, he seems to have returned with his family to Culpeper county, which was then not exempt from Indian forays; and Holston, about 1757, was captured by Indians. But in due time he returned to the Holston country, served in the battle of Point Pleasant in 1774, on Christians's campaign against the Cherokees, in 1776, and was reported in service in 1776, or 1777. As we hear no more of him, he probably did not long survive this period."—*Wither's Border Warfare*, 59. Note by Lyman C. Draper.

<sup>16</sup> Haywood's *Civil and Political History of Tennessee*, 45.

<sup>17</sup> Dr. Walker's Journal under date of April 9, 1750.

<sup>18</sup> Haywood's *Civil and Political History of Tennessee*, 45, 46.

<sup>19</sup> Ramsey's *Annals of Tennessee*, 45.

Watauga River signifies in the Cherokee tongue the River of Islands. The name Watauga was once applied by the Indians to the Holston.<sup>20</sup> After the Holston was given its present name, its ancient name, in some unaccountable manner, was transferred to the stream we now know as the Watauga.

Walker's Creek and Walker's Mountain, both west of the New River, in Virginia, were so called in honor of Dr. Thomas Walker, who explored to the west in the years 1748, and 1750.

#### CUMBERLAND—RIVER—MOUNTAIN—GAP

Dr. Thomas Walker and his companions discovered the Cumberland River on the 17th day of March, 1750. They had come through that pass, which is now known as Cumberland Gap, on the 13th, and followed the Great War Road or Warrior's Path leading from the countries of the Northern Indian tribes to those of the Southern tribes. They had camped on the 14th on the stream now known as Yellow Creek. The 15th was Easter Sunday. The company did not usually travel on Sunday, but the site of the camp being bad, they moved seven miles, following the War Road, and camped on what is now Clear Creek, though they named it Clover Creek, finding there an abundance of clover and hop vines—later known as pea-vine, and which furnished pasturage for cattle equal to that of clover. Because of rain, camp was not moved on the 16th. It was still raining on the 17th and the party could not travel. But Doctor Walker went hunting down the creek. A mile below the camp, at the mouth of Clear Creek, he came to a river, which he says in his Journal, "I called Cumberland River."

So far as has been found, historians have said that Doctor Walker gave the name *Cumberland* to the range now known as Cumberland Mountains, and the pass through this range which we know as Cumberland Gap. But Doctor Walker did nothing of the kind. When he and his companions arrived at the gap on the 13th it must already have had a name—Cave Gap—and this name Doctor Walker used for the pass. Later, in his Journal he calls it Cave Gap. He found it Cave Gap and left it Cave Gap.<sup>21</sup> The Cumberland Mountains Doctor Walker named the Steep Ridge. There is no mistaking Doctor Walker's language, nor his intentions in bestowing this name of "Steep Ridge." It was the Cumberland Range which he so named. For he put down in his Journal a good description of the Cumberlands, and gave the range its name from the steep character of it on the north side—"The Mountain on the North Side of the Gap is very Steep and Rocky," he said.<sup>22</sup>

<sup>20</sup> Haywood's *Civil and Political History of Tennessee*, 41, 42.

<sup>21</sup> See Dr. Walker's Journal. Also see Chapter V "Explorations of Dr. Thomas Walker" in this work.

<sup>22</sup> J. Stoddard Johnston, in his *First Explorations of Kentucky*, a Filson Club publication, says, at page 48, in speaking of the Gap, that it was "Named later! by Dr. Walker Cumberland Gap." Mr. Johnston would have saved many students much valuable time if he had said *when* he later named it Cumberland Gap, and *where* he made any record of having so named it. The *when* and *where* have not been found.

As a still further and conclusive evidence that Doctor Walker did not bestow the name *Cumberland* on the mountains and the gap, see *An Analysis of a General Map of the Middle British Colonies*, by Lewis Evans to accompany his map of that date. He names the Cumberland Mountains the Ouasioto Mountains, and says he obtained his information from Doctor Walker as to names. He says: "As for the Branches of Ohio, which head in the New Virginia (so they call, for Distinctionsake, that Part of Virginia South East of the Ouasioto Mountains, and on the Branches of Green Briar, New River, and Holston River) I am particularly obliged to Dr. Thomas Walker, for the Intelligence of what Names they bear, and what Rivers they fall into Northward and Westward."

And this name—Ouasioto—carried with it the proof that the Six Nations, or the Wyandots for them, named the Cumberland range the Ouasioto Mountains. "Oua-

The Cumberland Mountains and the Cumberland Gap got the name *Cumberland* by indirection. Doctor Walker's name *Cumberland* as applied to the river stuck. There was never any doubt as to its identity, such as gathered about some of the other rivers. It was the Cumberland and nothing else. No other river was the Cumberland. The maps were correct as to both name and river. And from this circumstance the pass and the main mountain range took by usage the name *Cumberland*. Doctor Walker attached the name to the river. Later the name attached itself to the mountain and the remarkable pass through it.

Some additional information has been compiled and is set out here.

Haywood in speaking of the hunting party of 1761 which gave names to Powell's River and other physical features of Southwestern Virginia says: "They then went through Cumberland Gap, and, when there, agreed that Wallen should name the mountain. He, having come from Cumberland County, Va., gave it the name of Cumberland Mountain. They proceeded to the river now called Cumberland, and called it North Cumberland."<sup>23</sup> It is somewhat strange that so good a historian as Haywood should fall into such an error as this. And it is still more strange that Collins should follow him without investigation, and make the same mistake.<sup>24</sup> It has been said that Doctor Walker bestowed these names in 1748, while on his first exploring expedition. But Hall states that he had examined a manuscript affidavit of Doctor Walker in which it was stated that in the month of April, 1750, he visited the waters of the Cumberland, and gave its present name to that river.<sup>25</sup> Ramsey says the Duke of Cumberland was then prime minister of England.<sup>26</sup> And Shaler in speaking of him says "the very unsavory George, Duke of Cumberland."<sup>27</sup>

On the old maps the Cumberland River is laid down and called the Shawnee River because the Shawnees dwelt in its valley. Speed, in his *Wilderness Road* makes the mistake of calling this the Cherokee River.<sup>28</sup> It was never known as the Cherokee River.

The Indian name of the Cumberland Mountain was Ouasioto,<sup>29</sup> Waseoto, or Ono-Sciota.<sup>30</sup> These are only different forms of the same name. The name is of Iroquois or Huron origin and signified "the mountains where deer are plenty."<sup>31</sup> It is to be regretted that the beautiful Indian name of this mountain range was supplanted by one

sioto" is an Iroquoian word—not a Shawnee word. It is derived from *skanoto*, the Wyandot or Iroquoian word for *deer*. The word is nearly the same in all other Iroquoian dialects. This is, too, further evidence of the complete conquest by the Six of all the Ohio Valley south to the Tennessee including the Holston. They imposed their name on these mountains, which they could not have done had the country containing the mountains belonged to any other tribe.

<sup>23</sup> Haywood's *Civil and Political History of Tennessee*, 46.

<sup>24</sup> Collins, *History of Kentucky*, Vol. 2, 416, Josh Bell County.

<sup>25</sup> Hall's *Romance of Western History*, 148.

<sup>26</sup> Ramsey's *Annals of Tennessee*, 66.

<sup>27</sup> Shaler's *Kentucky*, 60.

<sup>28</sup> *Wilderness Road*, 72.

<sup>29</sup> *Gist's Journals*, 271, 272.

<sup>30</sup> *Ibid.*, 118.

<sup>31</sup> "Scioto, deer. Where deer are plenty. Deer, Scaenoto, Magua, Zeisberger and other Moravian Missionaries. The language of the Hurons and Wyandots comes near the Magua. John Johnston observes in 'Howe's History of Ohio,' p. 600 that 'the Sci-on-to River was named by the Wyandots, who formerly resided on it; signification unknown.' On p. 588 of the same volume he gives specimens of the Wyandot language; in the list deer is Ough-Sca-noto. In the Onondaga tongue deer is Skan-o-do. The Wyandots or Hurons, and Iroquois or Five Nations, were of the same original stock. \* \* \* The name Ona-Sciota, mountains in Southeastern Kentucky, on Evans' Map of 1755 and Hutchins of 1778, doubtless meant mountains where deer are plenty."—*Gist's Journals*, 117, 118.

Imlay quotes from "Gordon's Journal," as follows: "By reason of the difficulty of passing the Ouasioto Mountains, I thought them a very natural boundary between Virginia and Ohio in these parts; and for that reason made them the bounds of the

which is wholly foreign and which has nothing of fitness to recommend it. Speed, in his *Wilderness Road* makes as good a plea for the new name as can well be made,<sup>32</sup> but nothing which may be said will recompense for the loss of the musical and appropriate Indian name.

THE BIG SANDY RIVER—LOUISA—TOTERO—SHATTARA—TOTTEROY

Where did the name "Sandy," as applied to the Louisa River, originate? When did it first come into use? Who first bestowed it? Shaler attributes it to Dr. Thomas Walker.<sup>33</sup> But this is most certainly an error. The Earl of Bellomont,<sup>34</sup> in discussing Indian affairs, writes in 1699 "that the Shateras were supposed to be the Toteris, on Big Sandy River, Virginia."<sup>35</sup> Here we have the name Big Sandy River in use in 1699, and later it is mapped down and identified so that there can be no mistake about it. Some Toteris Indians dwelt on the Big Sandy River at that time, and this gave their name to the river.<sup>36</sup> Pownall in his map of North America, 1776, gives the Totteroy (i. e., Big Sandy) River.<sup>37</sup> On Lewis Evans' Map, 1775, it is marked "Tottery or Big Sandy C." On the Nuremberg map, 1756, it is marked "Gt. Sandy."

It is evident from the foregoing that the early Virginians were much better acquainted with the Big Sandy Valley than has been supposed. The Earl of Bellomont wrote in 1699, twenty-eight years after the discovery of the Great Kanawha by the expedition of Gen. Abraham Wood. It is very probable that during this time the Big Sandy River was explored and given its present name, but by whom we cannot tell. Shaler says that "Raffinesque, in his most untrustworthy annals of Kentucky, says that a Captain Bolt came from Virginia to Kentucky in 1660."<sup>38</sup> The first route from Virginia to Kentucky was down the

different territories, not that there is any difference of right between one side and the other. Louisa, New River and Green Briar are fine large branches of Kanawha, which in future time will be of service for the inland Navigation of New Virginia, as they interlock with the Monongahela, Potomac, James River, Roanoke, and the Cuttaw River."—*Imlay's America*, London, 1797, p. 118.

Doctor Walker traced none of the rivers which he discovered to the Ohio, nor to their mouths, and did not know the rivers which they emptied. He supposed that his Louisa River emptied into Kanawha, and it came to be so marked. It was the West Fork of the Big Sandy River.

<sup>32</sup> "The name Cumberland, however, perpetuated in the everlasting mountain range, and in the beautiful river, is one hoary with antiquity. It came down to the Duke of Cumberland through the Cumbrians of the British Isles—the Cymry of the continent, and the Cimmerians about the Black Sea—directly from Gomer the son of Japhet. The Duke of Cumberland was a distinguished character, when Dr. Thomas Walker planted the name imperishably in the West. He was the son of George II, and commander in chief of the British armies at the time troops were sent over from England under Braddock to aid the colonists in the French and Indian wars."—*Wilderness Road*, 69, 70.

<sup>33</sup> Shaler, *History of Kentucky*, 60.

<sup>34</sup> Richard, Earl of Bellomont, was appointed governor of New York June 18, 1697. The correspondence referred to was with Count Frontenac, relative to the exchange of prisoners consequent upon the peace of Ryswick. Bellomont included in his demand the Indians detained in captivity in Canada, claiming their liberty as British subjects. He was one of the best of New York's governors. He died suddenly on the 5th of March, 1701.—*Carpenter and Arthur's History of New York*, 130, 134, 136.

<sup>35</sup> *7th Annual Report Bureau Ethnology*, 114.

<sup>36</sup> There was memory among the pioneers of the Big Sandy Valley of at least two Toteris villages there. One was on the Lick Fork of Jennie's Creek at what was later known as Hager Hill, Johnson County. The other was on the high view river bottom below Prestonsburg, Floyd County, nearly opposite the mouth of the stream now known as Abbott's Creek. It was a little below this point and back from the river on a farm once owned by the May family, as nearly as it could be located. There must have been other towns of the tribe both above and below these.

<sup>37</sup> *Ibid.*

<sup>38</sup> Shaler, *History of Kentucky*, 59, note.

Big Sandy. Virginia sent an army of more than 400 men toward the Ohio by the way of the Tug Fork in 1756, on the "Sandy Creek Voyage." Boone tried to reach Kentucky by the way of the Sandy. The Big Sandy Valley may have been the first part of Kentucky to be explored by Englishmen. While other western rivers were spoken of by vague, indefinite and constantly varying names, the Big Sandy was definitely located and in possession of the name which it yet retains. And the designation, *Big*, or *Great* Sandy, would indicate that the *Little* Sandy had also been discovered and named.

Some have supposed that the name "Sandy" was given because of the sand in and along the bed of the stream. But the stream is even yet singularly free from large accumulations of sand. In early days, before the timber had been cut from its banks, there was almost no sand to be found along the bed of the river. After the people had cut the timber from its banks, there was considerable washing away of unprotected points, and some accumulation of sand, but not enough to make it a noticeable feature of the river.

In the early settlement of Virginia there were two persons by the name of Sandys famous in the annals of the colony. The first of these was Sir Edwin Sandys. He was a man of great force of character and persistency of purpose. In 1621 he obtained for the Virginians a written charter guaranteeing to them a free government. So zealous was he in behalf of the colonists that he incurred the displeasure of the King. In discussing the matter of a treasurer and suitable persons therefor the King said: "Choose the devil if you will, but not Sir Edwin Sandys."<sup>39</sup> His efforts did not cease with obtaining free government for the Virginians. He continued to exert himself in their behalf. He sent over a shipload of "maids" to become wives of the colonists.<sup>40</sup> The settler was to pay for the wife he selected, or that selected him, in tobacco. The price was fixed at £120 of that plant, amounting to about \$80.<sup>41</sup> This was a wise provision. The plan of sending maids "young, handsome and chaste" to Virginia was a success. It changed the whole course of the colony. Most of the settlers had gone to Virginia for the purpose of making a fortune. Their intention was to return to England when this was accomplished. But "soon the wise device of Sir Edwin Sandys bore its fruit. The careless adventurers became 'provident fathers of families, solicitous about the prosperity of a country which they now considered as their own.' The colony, under the effect of these virtuous home-ties, grew to be a settled and well ordered society."<sup>42</sup>

George Sandys was a brother of Sir Edwin. He came to Virginia in 1621 with Governor Wyatt. He was a scholar and a famous poet. He was the treasurer of the colony. His greatest service to Virginia was the introduction of the water-mill. He "introduced the first water-mill in America."<sup>43</sup>

The services rendered Virginia by these brothers were of great importance. The people manifested their gratitude in various ways, one of which was in giving their name to mountain and stream. Sandys Rivers, Sandys Creeks, and Sandys Ridges, were all over the colony. Some of these yet remain. Some Virginian must have explored, or, at least,

<sup>39</sup> "The meeting of the first Assembly in 1619 was followed in 1621 by the formal grant to the Virginians of free government by written charter: 'a constitution after their heart's desire,' says Beverly. This was the work of Sir Edwin Sandys, the head of the Virginia party, of whom James I said, when he was spoken of for treasurer, 'Choose the devil if you will but not Sir Edwin Sandys.' Under his leadership, the Company persisted in their liberal policy."—Cooke's *Virginia*, 118.

<sup>40</sup> Cooke's *Virginia*, 119.

<sup>41</sup> *Ibid.*, 120.

<sup>42</sup> *Ibid.*, 122.

<sup>43</sup> *Ibid.*, 140.



discovered the Big Sandy River before the year 1699, and remembering that his mother or grandmother was one of the maids, "young, handsome and chaste" sent over by Sir Edwin Sandys, in grateful remembrance, gave it the name Sandys River. Or, perhaps, the discoverer was a man who appreciated the first pact of Virginia, and gave the name in his honor. Or he may have been a backwoodsman who remembered the rude mill on some sluggish stream in the tidewater region, which he or his father had been enabled to build by the aid of the invention of George Sandys, and in commemoration of the introduction of that useful and indispensable device, called the stream he had found Sandys River. Whatever the circumstances of the discovery and bestowal of the name, there is probability that the Big Sandy River was given its present name by a Virginian in honor of one of the Sandys brothers.

The name Chaterawha, or Chatterawah, or Chatteroi, is sometimes applied to the Big Sandy River. Shaler seems to imply that this was the Indian name of the stream.<sup>44</sup> The Bureau of Ethnology says "the origin of Chatterawha is not clear. By location it seems to belong with Chattahoochi and Chattanooga, but as it contains an *r* sound it can scarcely belong to the Muskogean language unless the *r* is really only a rough *l*. *Chattu* is the Creek word for 'rock,' but what *lawha* would mean, if anything, might require considerable research."<sup>45</sup>

As said before, the Big Sandy River was the dwelling place of a tribe of Indians of the Siouan linguistic family. The name of this tribe was Totero. From this it was called Totero River or Totero Creek, and, later, as we have seen, it was marked down on the maps as "Totteroy" and "Tottery" River, the river where the Toteris dwelt. The name Chatterawha is derived from another name of this same tribe of Indians. The usual name of these Indians seems to have been Shattara. The Earl of Bellomont says that the Shattaras dwelling on the Big Sandy River are supposed to be the Totero Indians. Chatterawha is only a different form of Shattara, as Totteroy is only a different form of Totero. These names were not bestowed upon the river by the Indians, and cannot properly be said to be the Indian names of the river. The Indians did not give these names to the river except in an indirect manner, by their presence. The names were used by white men to denote the stream upon which the Toteris or Shattaras dwelt. And a man used either the name Totero, or Shattara, as he chanced to call this tribe the Toteris, or the Shattaras. Totteroy was formerly the more common name, but afterward Chatterawha almost entirely superseded it. For the sake of uniformity with Kanawha, this name should be written Chatarawha.<sup>46</sup>

The Miami Indians called the Big Sandy River, the Wepepocone-cepew.<sup>47</sup> [We-pep-o-con-ne-sippi.]

The Delawares called it Sikea-cepe,<sup>48</sup> which means Salt Creek.

The Shawnees had two names for the Big Sandy River. They must have been bestowed at different times between which a long period had elapsed. The older one was Mich-e-cho-be-ka-sepe, which

<sup>44</sup> Shaler, *History of Kentucky*, 60.

<sup>45</sup> Letter to author, Dec. 14, 1895.

<sup>46</sup> "Totteroy falls into the Ohio on the same side (as the Kanawha) and is passable with boats to the mountains. It is long, and has not many branches, interlocks with Red Creek, or Clinch's River (a branch of Cuttaw). It has below the mountains, especially for 15 miles from the mouth, very good land. And here is a visible effect of the difference of climate from the upper parts of Ohio. Here the long reed or Carolina cane grows in plenty, even upon the upland, and the severity of the winter does not kill them; so that travelers this way are not obliged to provide any winter support for their horses. And the same holds all the way down Ohio, especially on the southeast side to the Falls, and thence on both sides."—*Imlay's America*, London, 1797, p. 116.

<sup>47</sup> Thomas Speed, in *The Wilderness Road*, 71.

<sup>48</sup> *Ibid.*

means the Big Medicine River, or the River of the Great Mystery. The other was Me-tho-to-sepe, the river where buffalos are plenty. The Shawnees were greatly attached to the Big Sandy River country.

The Wyandots called the Big Sandy River Sees-ta-ye-an-da-wa, the Fire River, from the many burning springs caused by escaping natural gas found on its waters.

These Indian names applied to the whole river without reference to any one of its branches.

The Tug Fork obtained its name from the circumstance of the starving soldiers of the expedition of 1756, known as the "Sandy Creek Voyage," cutting buffalo hides into broad tubs and roasting them for food over the flames of the burning spring opposite the town of Warfield, to which point some of them must have penetrated. It was afterward known as the Tug Fork or the Tug River. There was a tradition in the Big Sandy Valley that it was called Tug River because of the hard tug, or pull, or effort the soldiers of that expedition were compelled to make to get back through its valley to Virginia. From one of these circumstances, the Tug Fork certainly obtained its name.

#### THE LOUISA FORK OF THE BIG SANDY RIVER

The name Louisa was given to this river by Dr. Thomas Walker, on Thursday, the 7th day of June, 1750. The entry in Doctor Walker's Journal describing this event is as follows: "June 7th. The Creek being fordable, we Crossed it & kept down 12 miles to a River about 100 yards over, Which We called Louisa River. The Creek is about 30 yards wide, & part of ye River breaks into ye Creek—making an Island on which we Camped."

In the early days of the settlement of the Big Sandy Valley this stream was universally known as the Louisa River. Up to about 1825 it was generally called the Louisa Fork. After that time, and to some extent before, the name began to be corrupted to that of Levisa. The name Levisa is now used almost entirely. It appears that the name Louisa once attached to the whole state of Kentucky, but of how wide application this name was is not known. It appears too, that as early as 1775 the name Louisa was corrupted. Speed, in the *Wilderness Road* says "that Felix Walker, with Captain Twetty and six others, left Rutherford, North Carolina, in February, 1775 (according to Felix Walker's narrative), 'to explore the country of Leowvisay, now Kentucky.'"

The Kentucky River was sometimes called the Louisa River by the pioneers and explorers, and it was called, also, the Cherokee River. In the deed from the Cherokees to Richard Henderson and the other proprietors of the Transylvania Company, conveying the tract of land known as the Great Grant, we find the description of the land beginning as follows: "All that tract, territory, or parcel of land, situated, lying and being in North America, on the Ohio River, one of the eastern branches of the Mississippi, beginning on the said Ohio, at the mouth of Kentucky, Cherokee, or what by the English is called Louisa River." This calling of the Kentucky River by the name Louisa was caused by a misapprehension. It was not certainly known what river had been called Louisa by Doctor Walker as he traced none of the rivers which he named, to the Ohio. But that he did not call the Kentucky River, Louisa, is shown by Lewis Evans' Map, 1775, on which the Louisa River is marked as flowing into the Great Kanawha, and the upper course of the "Tottery or Big Sandy C." is marked "Frederick R." Frederick's River, now the Licking River, was discovered and named by Doctor Walker, on the second of June, 1750, five days before he discovered and named Louisa River.

Doctor Walker gave this river the name Louisa in honor of Louisa, the sister of the Duke of Cumberland. Louisa is a good old English name, coming down from the ancient Germans. It is a name of much beauty, and it was in great favor with our forefathers. It should be restored to the river on which Doctor Walker bestowed it. The Louisa Fork should be called the Louisa River. The Tug Fork should be called the Tug River. The river formed by their junction should be called the Big Sandy River.<sup>49</sup>

#### LICKING RIVER—FREDERICK'S RIVER

The Licking River has a name of beautiful significance. "Licking" denotes a country or a land diversified with springs and meadows. The Upper and Lower Blue Licks are upon its banks. These Licks were discovered by a party of explorers from Pennsylvania, in July, 1773.<sup>50</sup> They at once became famous, and were the principal source of the supply of salt for the early settlers in Central Kentucky. Boone was captured by Indians near the Lower Blue Lick, where he and others had gone to make salt, on February 7, 1778. The beauty and fertility of the lands, and the thousands of buffalo, deer, and elk which were seen pasturing on the cane in its broad bottoms, caused the early settlers to add the old Saxon word *ing*, meaning "a pasture or meadow, generally one lying low, near a river," to the word *Lick*, thus forming this appropriate name. It was at first called Great Salt Lick Creek, and was marked on the old maps by that name.

The Licking River was discovered by Dr. Thomas Walker and his party on the 2d of June, 1750, and named Frederick's River. See chapter "Explorations of Dr. Thomas Walker" in this work.

#### THE GUYANDOTTE RIVER

The Guyandotte River was one of the first of the smaller rivers or tributaries of the Ohio to receive a permanent name. It is marked on the Nuremberg map (1756), as flowing into the Ohio almost at the mouth of the Great Kanawha, and is called the "Guyendet." On the map of Fry and Jefferson (1755), it is laid down as flowing into the Ohio near the mouth of the Great Kanawha, and is called "Guyondot River." On the map of Lewis Evans (1775), it is laid down as a very short stream, and marked "Guyandotte C."

There is a tradition that the Wyandots had a town or settlement near the mouth of this beautiful stream, and that the French called it Wyandotte Creek. H. Clay Ragland, in his history of Logan County, W. Va., says it "certainly received its name from Henry Guyan, a French trader, who established a trading camp at its mouth about 1750, which was broken up by the Indians, and he, escaping to Virginia, was with Lewis on his Sandy Creek Expedition." The form of the name as now written is French, but it was bestowed for the Wyandot Indian tribe. Hale says that it was named after a tribe of Indians of the same name (Guyandotte).<sup>51</sup> But there was no tribe of that name. The Miami Indians called it La-ke-we-ke-to Ce-pe-we. The Delawares called it Se-co-nee, Narrow Bottom River.<sup>52</sup>

#### MISSOURI

The State of Missouri has been called the daughter of Kentucky, for the people of Kentucky settled there in great numbers. They were

<sup>49</sup> See Chapter V, "Explorations of Dr. Thomas Walker," this work.

<sup>50</sup> Collins, *History of Kentucky*, under head of Nicholas County.

<sup>51</sup> *Trans-Allegheny Pioneers*, 47.

<sup>52</sup> *Ibid.*, 47.

the pioneers of Missouri, many of them passing beyond its western bounds and becoming the explorers and pioneers of the mighty West, even to shores of the Pacific. Doniphan was a Kentuckian, and his men in his famous expedition were largely Kentuckians. Because of the close relations between the two states, it is believed appropriate to insert here an account of the origin of the name *Missouri*.

The origin and the meaning of this word are both lost. It is probably of Algonquian origin. People of that stock lived on the east bank of the Mississippi in what is now Illinois. Perhaps they spoke of the river and country to the west as the Missouri River and the Missouri country. The cause for the use of this name and the circumstances under which it came to be applied are no longer known. Among the people from whom the Iowas separated on the Fox River was another band calling themselves *Miutachi*. They, too, wandered in this western land through which flows the great river. It may be that on this account, their Algonquian neighbors called them *Missouris*. At any rate, they became known as the Missouri tribe of Indians. They belong to the great Siouan family. Members of this tribe are still to be found on reservations in Kansas and Nebraska. Their applied name attached itself to the great river, and from the river the State of Missouri got its name. There is no sufficient evidence that the name has any reference to the muddy water of the Missouri. If it should turn out that it is of Sioux origin, then it certainly has not. The Sioux word for water is *me-ne*. *Me-ne-sota*, *Me-ne-apolis*, *Me-ne-haha*, are good examples of its extensive use for present-day geographical names. It was shortened to *ne* by the Osages, who named the Neosho—*ne*, water, and *Osho*, bowl, a river of deep places—bowls or basins. So, Missouri, so far as now known, does not mean *muddy water*. In all probability it has no reference to water of any kind.

## CHAPTER II

### EARLY INDIAN OCCUPANCY OF THE OHIO VALLEY

It would be impossible, of course, to ascertain what people first lived in any country, for man has been on the earth for ages. Recent discoveries show that he was here possibly as long as a million years ago. There is no record to indicate what his wanderings may have been. The most that can be hoped for in any region in North America is that the origin and movements of tribes encountered by the first Europeans may be traced through migrations back to that curtain of obscurity behind which nothing can be seen. There is a common tendency of development in the human race. Tribes of savages on opposite sides of the earth have followed identical lines of progress, the best evidence of which is found in the implements made of stone and left in the soil. To the archæologist these are books, easily read. They are far better than many of the records of this day. The written page may be deceptive or inadequate, but the wrought instrument of ancient days is infallible in revealing the mind and character of its maker.

When the length of time man has lived in America (North and South America) is considered, the same problems arise as when other continents are studied. There exist ruins of temples and cities along the Andes of which the people found living there by Europeans could tell nothing in the matter of construction or history. Hills were scientifically terraced there for irrigation and cultivation before the beginning of our Christian era. In Mexico and Central America lie buried cities which equaled the ancient cities of the old world. The inhabitants of the new world had developed Indian corn, tobacco and the potato from original wild progenitors. That required a very long time. There must have been culture and orderly society and competent government in tropical America as early as these institutions appeared on the banks of the Euphrates. And the people responsible for these things must have had knowledge of the country to the north. But what explorations they made, and what colonies they sent out, if any, may never be known. And if any light is ever had on that period, it may be shown that these city-builders went down from the North. Who can tell? For, while it is generally believed that man originated in Asia, it might turn out that America is the cradle of the human race.<sup>1</sup>

Mention of these matters is made here to show the knowledge of prehistoric times is very limited. Remote periods cannot be approached

<sup>1</sup> The following appeared in the daily papers in December, 1921:

"London, Dec. 11.—Scientists say the Darwinian theory that Africa may have been the original home of the human race received partial corroboration from the discovery just made in northern Rhodesia of a fossilized skull which gives a new orientation to the early history of primitive man.

"The skull, which is complete save for the lower jaw, resembles that of the ape man (*Pithecanthropus erectus*) discovered in Java in 1892, which has been regarded as the most primitive human skull known until now. The Java skull, however, lacked a face. In this respect, the Rhodesian fossil reveals a type curiously similar to what is known as the Gibraltar skull.

"Moreover, a collar bone, a leg bone and part of a hip bone believed to belong to the skull have also been unearthed, and these may enable anatomists to reconstruct the main parts of the whole Rhodesian skeleton."

with any assurance of accurate treatment. But of the inhabitants of the Ohio Valley, say 2,000 years ago, it may be possible to discover something. Some of the American Indians were mound-builders, and they, or certain tribes of them, occupied the country drained by the Ohio River. It is fully established that the Cherokees erected mounds. The North American Indians belonged to certain well-defined linguistic families or groups. Among these groups was the Iroquoian linguistic family—many tribes speaking dialects of an older common tongue. The people of this group were strong, daring, bold, courageous. When first known to white men they occupied the country stretching from Central Georgia to the Georgian Bay of Lake Huron, though there was not entire continuity of territory. Like most other inhabitants of primitive America, the Iroquoians had traditions of migration from the West or Northwest, where their original habitat had been located, perhaps the country about the head of the Mississippi and to the northwestward thereof.

This, the first band to break away from the parent stock and strike out to have a country to itself, has been traced through Iowa, Illinois (north part) and Indiana, into Ohio and the country immediately to the eastward. The people of this migrating band were warlike, and they seated themselves firmly in the country embraced in the present State of Ohio, some parts of the country along the Detroit River, and along the Alleghany River. There they attained to as advanced a social condition as the North American Indians are known to have achieved. They were numerous, and it may be estimated that they numbered at one time 100,000 souls. They had many extensive towns, and they lived principally by the cultivation of the soil. Indian corn, beans, pumpkins and tobacco were produced.

As to why these people did not inhabit the country on the south side of the Ohio, now largely embraced in Kentucky, is not certainly known. But living in a territory stretching from the Tidewater of the Atlantic up and over the Alleghanies into the Valley of Ohio was a virile people known now as the Siouan linguistic family. While it has not yet been established that the Siouans inhabited most of what is now Kentucky, they may, in fact, have been there at that time. It is certain that some tribe strong enough to withstand this Iroquoian intrusion occupied the country south of the Ohio in that day. For nothing has been found to indicate that these invaders ever dwelt to any appreciable extent along the south banks of the Ohio.<sup>1a</sup>

How long it was after this first Iroquoian migration to the eastward before the remaining portion of their stock began to move in a body in the same direction cannot now be told. But there came a time when not only the Iroquois but other tribes left their original seats in those regions to seek a home in the East. This parent body had so far forgotten the first band that no attempt appears to have been made to establish any friendly and helpful relations with its descendants. And the descendants of this original colony, having now occupied the land and set up claims of possession to a vast territory, seem to have made no offer of a home to their kinsmen. Or, matters of state policy might have made it inexpedient or impossible for them to do so, for, with the Indians, as with Europeans, kindred people were often at war. When the later migration had reached a certain great river they were halted by hostile forces, and the eastward advance brought to a complete stop.

There was living in the far Northwest at that day another linguistic family of Indians. This was the Algonquin stock, the most numerous and widespread on the continent. Some portion of this people, includ-

<sup>1a</sup> See "Early Indian Occupancy of the Great Plains," by William E. Connelley, in *Kansas Historical Collections*, Vol. 14, pp. 438, *et seq.*

ing the progenitors of what became the Delaware or Lenape nation, began a migration eastward. When the Algonquins came to this large river they found the Iroquois halted there, and they were themselves unable to force a passage. Those who dwelt there fought stubbornly and successfully to throw back these invasions. The Delawares have shown an inclination to make records of their doings, and it is to this trait that we owe any account of these ancient movements and wars. And their traditions extend back to those dim and shadowy transactions with some certainty and distinctness. That account dealing with their coming to live in the East has been preserved by John Heckewelder, who was long a Moravian missionary to a sub-tribe of the Delawares. This account is as follows:<sup>2</sup>

"The Lenni Lenape (according to the traditions handed down to them by their ancestors) resided many hundred years ago in a very distant country in the western part of the American continent. For some reason, which I do not find accounted for, they determined on migrating to the eastward, and accordingly set out together in a body. After a very long journey and many nights' encampments<sup>2a</sup> by the way, they at length arrived on the *Namaesis Sipu*,<sup>2b</sup> where they fell in with the Mengwe,<sup>2c</sup> who had likewise emigrated from a distant country, and had struck upon this river somewhat higher up. Their object was the same with that of the Delawares; they were proceeding on to the eastward, until they should find a country that pleased them. The spies which the Lenape had sent forward for the purpose of reconnoitering had long before their arrival discovered that the country east of the Mississippi was inhabited by a very powerful nation, who had many large towns built on the great rivers flowing through their land. Those people (as I was told) called themselves *Talligew* or *Talligewi*. Col. John Gibson,<sup>2d</sup> however, a gentleman who has a thorough knowledge of the Indians and speaks several of their languages, is of opinion that they were not called *Talligewi*, but *Alligewi*, and it would seem that he is right, from the traces of their name which still remain in the country, the Alleghany River and mountains having indubitably been named after them. The Delawares still call the former *Alligewi Sipu*, the River of the Alligewi. We have adopted, I know not for what reason, its Iroquois name, Ohio, which the French had literally translated into *La Belle Riviere* (the Beautiful River).<sup>2e</sup> A branch of it, however, still retains the ancient name Allegheny.

<sup>2</sup> *History, Manners, and Customs of the Indian Nations*, Heckewelder, 47, 48, 49, 50.

<sup>2a</sup> "Night's encampment" is a halt of one year at a place.

<sup>2b</sup> The Mississippi, or *River of Fish*; *Namaes*, a *Fish*; *Sipu*, a *River*.

<sup>2c</sup> The Iroquois, or Five Nations.

<sup>2d</sup> Col. John Gibson, to whom Mr. Heckewelder frequently alludes, was born at Lancaster, Pa., in 1740. At the age of eighteen he made his first campaign under Gen. Forbes in the expedition which resulted in the acquisition of Fort De Quesne from the French. At the peace of 1763 he settled at that post (Fort Pitt) as a trader. Some time after this, on the resumption of hostilities with the savages, he was captured by some Indians, among whom he lived several years, and thus became familiar with their language, manners, customs and traditions. In the expedition against the Shawanese under Lord Dunmore, the last royal governor of Virginia, in 1774, Gibson played a conspicuous part. On the breaking out of the Revolutionary war he was appointed to the command of one of the Continental regiments raised in Virginia, and served with the army at New York and in the retreat through New Jersey. He was next employed in the Western department, serving under Gen. McIntosh in 1778, and under Gen. Irvine in 1782. At one time he was in command at Pittsburgh. In 1800 Col. Gibson was appointed Secretary and acting Governor of the territory of Indiana, a position which he filled for a second time between 1811 and 1813. Subsequently he was Associate Judge of Allegheny County, Pa. He died near Pittsburgh in 1822. He was an uncle of the late John B. Gibson, Chief Justice of the Supreme Court of Pennsylvania, between 1827 and 1851.

<sup>2e</sup> Loskiel's *History of the Mission of the United Brethren*, Part I, ch. 1.

"Many wonderful things are told of this famous people. They are said to have been remarkably tall and stout, and there is a tradition that there were giants among them, people of a much larger size than the tallest of the Lenape. It is related that they had built to themselves regular fortifications or entrenchments, from whence they would sally out, but were generally repulsed. I have seen many of the fortifications said to have been built by them, two of which in particular were remarkable. One of them was near the mouth of the River Huron, which empties itself into the Lake St. Clair, on the north side of that lake, at the distance of about 20 miles N. E. of Detroit. This spot of ground was, in the year 1786, owned and occupied by a Mr. Tucker. The other works, properly entrenchments, being walls or banks of earth regularly thrown up, with a deep ditch on the outside, were on the Huron River, east of the Sandusky, about six or eight miles from Lake Erie. Outside of the gateways of each of these two entrenchments, which lay within a mile of each other, were a number of large flat mounds in which the Indian pilot said were buried hundreds of the slain Talligewi, whom I shall hereafter, with Colonel Gibson, call *Alligewi*. Of these entrenchments, Abraham Steiner, who was with me at the time when I saw them, gave a very accurate description which was published at Philadelphia in 1789 or 1790, in some periodical work, the name of which I cannot at present remember.<sup>27</sup>

"When the Lenape arrived on the banks of the Mississippi, they sent a message to the Alligewi to request permission to settle themselves in their neighbourhood. This was refused them, but they obtained leave to pass through the country and seek a settlement farther to the eastward. They accordingly began to cross the Namaesi Sipu, when the Alligewi, seeing that their numbers were so very great, and in fact they consisted of many thousands, made a furious attack on those who had crossed, threatening them all with destruction if they dared to persist in coming over to their side of the river. Fired at the treachery of these people and the great loss of men they had sustained and, besides, not being prepared for a conflict, the Lenape consulted on what was to be done; whether to retreat in the best manner they could, or try their strength, and let the enemy see that they were not cowards, but men, and too high-minded to suffer themselves to be driven off before they had made a trial of their strength and were convinced that the enemy was too powerful for them. The Mengwe, who had hitherto been satisfied with being spectators from a distance, offered to join them, on condition that, after conquering the country, they should be entitled to share it with them; their proposal was accepted, and the resolution was taken by the two nations to conquer or die.

"Having thus united their forces, the Lenape and Mengwe declared war against the Alligewi, and great battles were fought, in which many warriors fell on both sides. The enemy fortified their large towns and erected fortification, especially on large rivers and near lakes, where they were successively attacked and sometimes stormed by the allies. An engagement took place in which hundreds fell, who were afterwards buried in holes or laid together in heaps and covered over with earth. No quarter was given, so that the Alligewi at last finding that their destruction was inevitable if they persisted in their obstinacy, abandoned the country to the conquerors and fled down the Mississippi River, from whence they never returned. The war which was carried on with this

<sup>27</sup> In 1789 Mr. Heckewelder, accompanied by Abraham Steiner (subsequently a missionary to the Cherokees of Georgia), visited the mission at New Salem, on the Petquoting (now the Huron), in Erie County, Ohio, on business relating to the survey of a tract of land on the Tuscarawas which Congress had conveyed to the Moravians in trust for their Indians. This was to indemnify them for losses incurred at their settlements during the border-war of the Revolution.



nation lasted many years, during which the Lenape lost a great number of their warriors, while the Mengwe would always hang back in the rear, leaving them to face the enemy. In the end, the conquerors divided the country between themselves; the Mengwe made choice of the lands in the vicinity of the great lakes and on their tributary streams, and the Lenape took possession of the country to the south."

This tradition is confirmed by the *Walam Olum*, the historical account of the Delawares, that portion describing these events being as follows:<sup>3</sup>

"And said, 'They are many; let us go together to the east, to the sunrise.'

They separated at Fish River; the lazy ones remained there.

Cabin-Man was chief; the Talligewi possessed the east.

Strong-Friend was chief; he desired the eastern land.

Some passed on east; the Talega ruler killed some of them.

All say, in unison, 'War, war.'

The Talamatan, friends from the north, come, and all go together.

The Sharp-One was chief; he was the pipe-bearer beyond the river.

They rejoiced greatly that they should fight and slay the Talega towns.

The Stirrer was chief; the Talega towns were too strong.

The Fire-BUILDER was chief; they all gave to him many towns.

The Breaker-in-Pieces was chief; all the Talega go south.

He-has-Pleasure was chief; all the people rejoice.

They stay south of the lakes; the Talamatan friends north of the lakes.

When Long-and-Mild was chief, those who were not his friends conspired.

Truthful-Man was chief; the Talamatans made war.

Just-and-True was chief; the Talamatans trembled.

All were peaceful, long ago, there at the Talega land.

The Pipe-Bearer was chief at the White river.

White-Lynx was chief; much corn was planted.

Good-and-Strong was chief; the people were many.

The Recorder was chief; he painted the records.

Pretty-blue-Bird was chief; there was much fruit.

Always-There was chief; the towns were many.

Paddler-up-Stream was chief; he was much on the rivers.

Little-Cloud was chief; they departed.

The Nanticokes and the Shawnees going to the south.

Big-Beaver was chief, at the White Salt Lick.

The Seer, the praised one, went to the west.

He went to the west, to the southwest, to the western villages.

The Rich-Down-River-Man was chief, at Talega river.

The Walker was chief; there was much war.

Again with the Tawa people, again with the Stone people, again with the northern people.

Grandfather-of-Boats was chief; he went to lands in boats.

Snow-Hunter was chief; he went to the north land.

Look-About was chief; he went to the Talega mountains.

East-Villager was chief; he went east of Talega.

A great land a wide land was the east land.

A land without snakes, a rich land, a pleasant land.

Great Fighter was chief, toward the north.

At the Stright river, River-Loving was chief.

Becoming-Fat was chief at Sassafras land.

All the hunters made wampum again at the great sea.

Red-Arrow was chief at the stream again.

The Painted-Man was chief at the Mighty Water.

<sup>3</sup> Brinton, *The Lenape and Their Legends*, 199 et seq.

The Easterners and the Wolves go northeast.  
 Good-Fighter was chief, and went to the north.  
 The Mengwe, the Lynxes, all trembled.  
 Again an Affable was chief, and made peace with all.  
 All were friends, all were united, under this great chief.  
 Great-Beaver was chief, remaining in Sassafras land.  
 White-Body was chief on the sea shore.  
 Peace-Maker was chief, friendly to all.  
 He-Makes-Mistakes was chief, hurriedly coming.  
 At this time whites came on the Eastern sea.  
 Much-Honored was chief; he was prosperous.  
 Well-Praised was chief; he fought at the south.  
 He fought in the land of the Talega and Koweta.  
 White-Otter was chief; a friend of the Talamatans.  
 White-Horn was chief; he went to the Talega,  
 To the Hilini, to the Shawnees, to the Kanawhas."

It is possible at this point to make identifications with some degree of certainty. The Mengwe were the progenitors of the Iroquois. They had not broken yet into the divisions and tribes later known to the whites as the Hurons, the Six Nations and others.

The Tallegewi, Tallegew, Allighewi or Tallegwi were the ancient Cherokees. When they were conquered by their kinsmen, the Mengwe and the Lenape, they were compelled to seek a new country wherein to dwell. In this necessity they turned southward. The conflict had been long. Cusic, the Tuscarora historian, says it continued for 100 years. The fact that a new home would have to be found may have been apparent for some years before the war ceased. An accommodation may have been reached with the tribes south of the Ohio for permission to pass through their country. And, it may be, no agreement could be reached. Possibly none was attempted. In any event the Tallegwi crossed the river we know as the Ohio and began to move slowly up the stream known to us as the Kanawha or New River. At the point known as Grave Creek they stopped and erected the Grave Creek mounds. Others were built, especially about Charleston, showing that this retreat was deliberate and halting, as Indian migrations always were. But the Tallegwi finally reached the country about the headwaters of the Tennessee, where they were found by the white people.

At some period about the time of this conquest of the country north of the Ohio by the Lenape and the Mengwe, the Siouan family west of the great Appalachian chain began a movement to the westward, finally seating themselves in the land of the great herds of buffalo—the Great Plains. There are two principal causes for the migrations of primitive peoples. The first is war. Savages make a war of extermination. They destroy. To escape such a fate the defeated party moves bodily—abandons completely the homeland to seek a new one with safety. The second cause is famine, or any prolonged scarcity of food. Sometimes these calamities are combined, when there is a double motive for migration. No record has been preserved to tell why the Siouans abandoned the country on the south side of the Ohio, but the most probable cause was the invasion of the Lenape and the Mengwe and the consequent displacement of the Tallegwi. The Siouans may have been severed in twain, the western fragments finding their way down the Ohio or northwest into the country left by the Lenape and the Mengwe. The Tallegwi may have been defending themselves on the north and fighting an offensive war in what is now Kentucky with the western Siouans. This is only speculative—a suggestion for future students. But there attached always a vague legend to Kentucky of bloody and continuous wars between the savages living in reach of the Ohio Valley.

When the matter of proof of the early occupancy of the Ohio Valley by the Cherokees and that the ancient Cherokees were the Tallegwi much evidence is found available. In his *The Cherokees in Pre-Columbian Times*, Cyrus Thomas, an eminent authority, traces the ancient Cherokees from the Northwest, through Iowa, across Illinois and Indiana, and into Ohio. There they remained until the coming of the Lenape and the Mengwe. What space of time had elapsed from their departure to the arrival of these invaders cannot be exactly determined. But it had been sufficient in duration for the immense growth of the band, for it had spread over portions of Indiana, Michigan, Ohio, Pennsylvania and New York. They had retained their original name, which the first annalists wrote *Allighewi*, *Talligewi*, *Tal-ligeu*, and possibly in other forms. They had constructed mounds and other earthworks in their country which remain to the present time. Some of these show engineering skill, and it would seem to indicate that the builders recognized the importance of making their structures conform to the lines of the four cardinal points. Some of these were houses, some were villages, some were fortifications for defense against enemies. Others, as the Great Serpent, must have had a religious significance, though this and other mounds may have been the work of an older people who dwelt there. Many of the mounds were the repository of the dead. These Allighewi dwelt in great numbers on the Alleghany River, for their name attached to the stream in its present form of "Alleghany." And the origin of the name "Alleghany" as applied to the Alleghany Mountains is the same as that of the river. These names would seem to prove that this people had occupied that land from a very remote period.

Thomas sums up the reasons for identifying the ancient Tallegwi with the modern Cherokees thus:

"The reasons for identifying the Tallegwi or Talega of this tradition with the Cherokees, which will be more fully referred to hereafter, are briefly as follows: 1st, The very close agreement in sound between *Tsalake*, the name the Cherokees gave themselves, and *Tallegwi* or *Talega* as given in the tradition. [These names are pronounced *Tsal'-a-ke*, *Tal'-le-gwi* and *Tal'-e-ga*.] 2d, The fact that the traditions of the Cherokees refer to the region of the Upper Ohio as their former home; 3d, The statement of Bishop Ettwein that the last of the Cherokees were driven from the Upper Ohio about the year 1700 (see Brinton's 'Lenape and Their Legends,' p. 18); 4th, The testimony of the mounds; and, 5th, The apparent identification of the two peoples in the 'Walam Olum' itself in verses 42 and 43, Part V, where it states that

"Well-praised was chief; he fought at the south.  
He fought in the land of the Talega and Koweta.'

"As this part of the record refers to a much later period than that heretofore quoted, a date subsequent to the appearance of the whites on the continent (verse 40, Part V), there can be no doubt that it alludes to the Tallegwi in their southern home, to which, as stated in verse 59, Part IV, they had been driven. This supposition is apparently confirmed by the fact that it connects with them the Koweta, or Creeks. This, together with the statement that the fighting was at the south, would seem to imply they were then in their mountain home or historic seat. It is probable, as will be shown hereafter, that where it is stated, in verses 19 and 20,

"Look-About was chief; he went to the Talega mountains;  
East-Villager was chief; he was east of Talega.'

their position in the Kanawha Valley is referred to, where, as the evidence indicates, they halted for some time on their way south."

The best authority on the traditions connecting the Cherokees with the Ohio Valley are mentioned by Judge Haywood in his *Natural and Aboriginal History of Tennessee*. There he records:

"The Cherokees had an oration in which was contained the history of their migrations, which was Lenthly. This related 'that they came from the upper part of the Ohio, where they erected the mounds on Grave Creek, and that they removed hither [East Tennessee] from the country where Monticello is situated.' This tradition of their migrations was, it seems, preserved and handed down by their official orators, who repeated it annually in public at the national festival of the green-corn dance. Haywood adds: 'It is now nearly forgotten;' and Dr. D. G. Brinton informs us in 'The Lenape and Their Legends' that he has endeavored in vain to recover some fragments of it from the present residents of the Cherokee nation."

In addition to these proofs, Thomas treats at great length the evidence found in similarity of mound-relics and contents found from Iowa over the route taken by the Cherokees in their migration ending in that country about the headwaters of the Tennessee. And it is shown that in the last named country mound-building was continued by them. In another work, *The Problem of the Ohio Mounds*, published as Bulletin No. 8, Bureau of Ethnology, the evidence set down in his first work is reviewed and further proofs adduced in support of it.

Quotations have been herein made from the Walam Olum, the Painted Record of the Delawares. This is one of the most important documents pertaining to the aboriginal inhabitants of North America. It is a history of the Lenape—or the Delawares—written by themselves. It goes back at least 2,000 years, and all the tests applied to historical documents have only served the more to prove its accuracy and value. It was obtained in 1820 by a Doctor Ward, of Cynthiana, Kentucky, from the Delawares living on the White River in Indiana. The doctor had effected a cure for some sick Delaware, and for that service (or through that service) secured this valuable record. Doctor Ward and Constantine Rafinesque, then a teacher in the Transylvania University, were friends. Doctor Ward is said to have been an enthusiastic student of archæology, which will account for his friendship with Rafinesque, who is known to have visited him at Cynthiana. He turned over this Delaware document to the Transylvania professor. This included only the painted hieroglyphics. Later the "songs" or inscriptions to accompany the pictures were obtained from another Indian. This was in 1822. Being unable to read these "songs," Rafinesque was under the necessity of learning the Delaware language. This was a weary and slow business, but in 1833 he was able to translate the "songs" or explanations of the pictures into English. The accuracy of this translation has never been questioned, only some minor changes having been found necessary. This was a great service to science, and the work thus secured is one of the greatest contributions to Indian literature ever made. It was not published until after Rafinesque's death. E. G. Squier first published it in 1849, in the (February) *American Review*. In 1885 Dr. D. G. Brinton published at Philadelphia *The Lenape and Their Legends*, with the Complete Text and Symbols of the Walam Olum, making it accessible to all students. At page 165 he says:

"Were I to reconstruct their ancient history from the WALAM OLUM as I understand it, the result would read as follows:

"At some remote period their ancestors dwelt far to the northeast, on tide-water, probably at Labrador (compare ante, p. 145). They journeyed south and west till they reached a broad water, full of islands and abounding in fish, perhaps the St. Lawrence about the Thousand Isles. They crossed and dwelt for some generations in the pine and

hemlock regions of New York, fighting more or less with the Snake people and the Talega, agricultural nations living in stationary villages to the southeast [southwest] of them, in the area of Ohio and Indiana. They drove out the former, but the latter remained on the upper Ohio and its branches. The Lenape now settled on the streams in Indiana wished to remove to the East to join the Mohegans and other of their kin who had moved there directly from northern New York. They, therefore, united with the Hurons (Talamatans) to drive out the Talega (Tsalaki, Cherokees) from the upper Ohio. This they only succeeded in accomplishing finally in the historic period (see ante, p. 17). But they did clear the road and reached the Delaware valley, though neither forgetting nor giving up their claims to their western territories (see ante, p. 144).

"In the sixteenth century the Iroquois tribes seized and occupied the whole of the Susquehanna valley, thus cutting off the eastern from the western Algonkins, and ended by driving many of the Lenape from the west to the east bank of the Delaware (ante, p. 38)."

The Delawares went on to the eastward and were found by the Europeans living in what is now New Jersey and Pennsylvania, principally on the Delaware River. This river had been named for Lord Delaware. Found living on this stream, the Lenape were called from its name, Delawares, an English appellation and not Indian at all. They were forced slowly westward by the white settlements and came again into Ohio to live.

The Mengwe, in the centuries which passed after the conquest of the Tallegwi, separated into bands which became tribes. These were to be found in the regions of the River St. Lawrence and about the Great Lakes. A group of them occupied what is now Central and Northern New York and became known as the Iroquois. The origin of this name is not definitely known. One account says it is the French adaptation of the Iroquois *Hiro*, used to conclude a speech, and *Koné*, an exclamation.<sup>3a</sup>

This group constituted the Iroquois proper and was composed of the following named tribes—Mohawk, Oneida, Onondaga, Cayuga and Seneca. When the white man first came in contact with them they were formed into a league or confederacy. They denominated this as the League of the *Ho-de'-no-sau-nee*. They symbolized it by representing it as a Long House, the eastern door of which was on the Hudson at the mouth of the Mohawk, and the western on Lake Erie. The English knew them by the name of *Five Nations* and after their adoption of the Tuscaroras as the *Six Nations*. They were always known to the French as the Iroquois. From east to west the order of the tribes or nations forming the league was:

1. Mohawk—Ga-ne-a'-ga-o-no, The Possessor of the Flint.
2. Oneida—O-na-yote'-ka-o-no, The Granite people.
3. Onondaga—O-nun-da'-ga-o-no, The people of the hills.
4. Cayuga—Gue'-u-gweh-o-no, The people of the mucky land.
5. Seneca—Nun-da-wa'-o-no, The great hill people.

The Tuscaroras were expelled from North Carolina in 1713 and journeyed north to their kindred. The tribe was adopted by the Oneidas and was admitted into the league as the sixth nation. They were given lands and assigned a position between the Oneida and Onondaga tribes. As the sixth nation of the league they were:

6. Tuscarora—Dus-ga-o'-weh-o-no, The shirt-wearing people.

They had taken this name before their expulsion from North Carolina, but after their intercourse with the whites commenced.

When this league was formed cannot now be definitely determined.

<sup>3a</sup> The 7th Annual Report Bureau of Ethnology, 77.

All these tribes were descendants and divisions of a single band of the original Huron-Iroquois family. The period when this separation occurred cannot now be ascertained, nor can it be determined when this band migrated from the north, where it had dwelt along the north shore of the River St. Lawrence. Tradition informs us that, having ascended the St. Lawrence to Lake Ontario and coasted its eastern shore to the mouth of the Oswego River, they entered through this channel to the central parts of New York. Their first settlements, they believe, were located on the Seneca River, where for a time they dwelt together. At a subsequent day they divided into bands and spread abroad to found new villages. One, crossing over to the Mohawk, established itself below Utica and afterwards became the Mohawk nation. This village, situated on the south side of the Mohawk River in Herkimer County, is supposed to have been the oldest settlement of that nation. For some years the Oneidas and Onondagas were one nation, but one part of it, having become established east of the Oneida Lake, in time became independent, while the other, planting itself in the Onondaga Valley and on the hills adjacent, became a separate nation. In like manner the Cayugas and Senecas were many years united and resided on the Seneca River, but one band of them, having located themselves on the east bank of the Cayuga Lake, grew in time into a distinct nation, while the residue, penetrating into the interior of Western New York, finally settled at the head of Canandaigua Lake, and there formed the nucleus of the Seneca nation.

It has been the universal law that primitive man separated into bands in his migrations and wanderings. The Iroquois is a good example of this. The division of the original offshoot into five tribes did not take place until after the adoption of the totemic principle. This original stock or group was divided into eight totems or clans or gens, and each of these totems had representation in each of the five tribes. Thus in each nation there were eight clans, which were arranged in two divisions, as follows:

First Division

1. Wolf
2. Bear
3. Beaver
4. Turtle

Second Division

1. Deer
2. Snipe
3. Heron
4. Hawk

All the institutions of the Iroquois have regard to the divisions of the people into clans. Originally, with reference to marriage, the Wolf, Bear, Beaver and Turtle clans, being brothers to one another and the women their sisters, were not allowed to intermarry. The four opposite clans, being also brothers to one another and the women their sisters, were not permitted to intermarry. Either of the first four clans could intermarry with either of the last four, the relation between them being that of cousins. And it is a strange circumstance that at the general councils of the league the tribes were divided into two classes which were arranged on opposite sides of the great council fire. On the one side stood the Mohawks, Onondagas and Senecas, as nations, brothers to one another and fathers to the other nations. On the other side were the Oneidas, Cayugas, and at a subsequent day, the Tuscaroras, who, in like manner, were brother tribes or nations, but children of the first three.

This division of the Iroquois into eight clans or gens became the means of effecting the most perfect union of separate nations ever devised. In effect, the Wolf clan was divided into five parts (six parts after the admission of the Tuscarora) and one-fifth of it placed in each of the five tribes composing the league. The remaining clans were subject to the same divisions and distribution. Between those of the same name—or,

in other words, between the separate parts of each clan—there existed a tie of brotherhood, which linked the tribes of the league together with indissoluble bonds. The Mohawk of the Wolf clan recognized the Seneca of the Wolf clan as his brother, and theoretically they were bound together by ties of consanguinity, the belief being that they were descended from a common mother.

Before the formation of the league of the Hodenosaunee there had been no unity of action between the Iroquois after their development into nations in their new home. In fact it is probable that there had been war, and it is said that the Onondagas had conquered the Cayugas and the Senecas. But of this there is only dim tradition.

The founder of the league was a man of superior mind. He was a statesman. He saw that as fragments and separate tribes of a common people their interests were the same, if only petty jealousies could be overcome and very minor local advantages relinquished. It required many years to accomplish the confederation. This savage statesman is known by different names, one of which is Hi-a-wat-ha. This is the Hiawatha of Longfellow—an Iroquoian hero for an Algonquin story. Our poet had not made a careful study of the American Indians evidently.

The historic seat of this remarkable people was a commanding military position—a strategic point. It commanded the entrance to the Great Lakes and the commencement of that great artery of travel and Indian commerce, the River St. Lawrence. It was at the head of the Hudson and the country of the Senecas reached down to the headwaters of the Ohio, which all Iroquoian tribes considered the main stream of the Mississippi. These tribes dominated the Ohio Valley from the day of the formation of their wonderful league. These great waterways enabled the Iroquois to easily reach the Algonquin peoples to the east, the Hurons to the north, Siouans to the northwest, and the Algonquins again on the west and southwest. They were entirely surrounded by other Indian tribes. These and the older portions of their own stock they attacked without fear and destroyed without mercy. They were the terror of all who knew them. The Mohawk, in their prowlings through dark forests, ranged to the shores of the Gulf of St. Lawrence and by the year 1600 had made conquest of all New England. The blood-curdling war-cry of the Senecas carried consternation to the dwellers at the westernmost extremity of Lake Superior.

The ferocity of the Iroquois is almost beyond belief or comprehension. Nation after nation, as populous and as brave as themselves, was attacked with indescribable fury and destroyed. The destruction of the Hurons was completed in 1649, that of the Neutral Nation in 1650-51, and that of the Eries in 1655. The annihilation of the Andastes was delayed a little and was not completely consummated until 1672.

While engaged in exterminating the tribes of their own blood, the Iroquois were also making conquest of the tribes of the Algonquin family. The Delawares were reduced to vassalage and made to put on petticoats and become women—a figure used to show their complete subjection. The Illinois, the Miamis and other tribes to the southwest were conquered and placed under the yoke of the masters of the league.

The Iroquois made complete conquest of the Ohio Valley as far south as the Tennessee River. Only Indian tradition lived to tell of the bloody horror of it. To show the reader how the Iroquois made war and what this conquest was, some examples will be given. In 1680 La Salle was descending the Illinois River. The Iroquois had sent a party to make war on the Illinois Indians. La Salle found that "The silence of death now reigned along the river, whose lonely borders, wrapped in deep forests, seemed lifeless as the grave. As they drew near the mouth of the stream they saw a meadow on their right and on its farthest verge

several human figures, erect, yet motionless. They landed and cautiously examined the place. The long grass was trampled down, and all around were strewn the relics of the hideous orgies which formed the ordinary sequel of an Iroquois victory. The figures they had seen were the half-consumed bodies of women, still bound to the stakes where they had been tortured. Other sights there were too revolting for record."

Here is another scene enacted at a village of the Illinois. It was also in 1680: "Meanwhile a hideous scene was enacted at the ruined village of the Illinois. Their savage foes, balked of a living prey, wreaked their fury on the dead. They dug up the graves; they threw down the scaffolds. Some of the bodies they burned; some they threw to the dogs; some, it is affirmed, they ate. Placing the skulls on stakes as trophies, they turned to pursue the Illinois."

An event had occurred immediately before those here recorded:<sup>4</sup>

"They embarked again and soon approached the great town of the Illinois. The buffalo were far behind, and once more the canoes glided on their way through a voiceless solitude. No hunters were seen; no saluting whoop greeted their ears. They passed the cliff afterwards called the Rock of St. Louis, where La Salle had ordered Tonty to build his stronghold, but, as he scanned its lofty top, he saw no palisades, no cabins, no sign of human hand and still its primeval crest of forests overhung the gliding river. Now the meadow opened before them where the great town had stood. They gazed, astonished and confounded; all was desolation. The town had vanished and the meadow was black with fire. They plied their paddles, hastened to the spot, landed, and, as they looked around, their cheeks grew white and the blood was frozen in their veins.

"Before them lay a plain once swarming with wild human life and covered with Indian dwellings, now a waste of devastation and death, strewn with heaps of ashes and bristling with the charred poles and stakes which had formed the framework of the lodges. At the points of most of them were stuck human skulls, half picked by birds of prey. Near at hand was the burial-ground of the village. The travellers sickened with horror as they entered its revolting precincts. Wolves in multitudes fled at their approach, while clouds of crows or buzzards, rising from the hideous repast, wheeled above their heads or settled on the naked branches of the neighboring forest. Every grave had been rifled and the bodies flung down from the scaffolds, where, after the Illinois custom, many of them had been placed. The field was strewn with broken bones and torn and mangled corpses. A hyena warfare had been waged against the dead. La Salle knew the handiwork of the Iroquois. The threatened blow had fallen, and the wolfish hordes of the five cantons had fleshed their rabid fangs in a new victim.<sup>4a</sup>

"Not far distant the conquerors had made a rude fort of trunks, boughs and roots of trees laid together to form a circular enclosure, and this, too, was garnished with skulls, stuck on the broken branches and protruding sticks. The *caches*, or subterranean storehouses of the villages, had been broken open and the contents scattered. The corn fields were laid waste and much of the corn thrown into heaps and half burned.

<sup>4</sup> *La Salle and the Discovery of the West*, 191 et seq.

<sup>4a</sup> The above may seem exaggerated; but it accords perfectly with what is well established concerning the ferocious character of the Iroquois, and the nature of their warfare. Many other tribes have frequently made war upon the dead. I have myself known an instance in which five corpses of Sioux Indians, placed in trees, after the practice of the Western bands of that people, were thrown down and kicked into fragments by a war party of the Crows, who then held the muzzles of their guns against the skulls, and blew them to pieces. This happened near the head of the Platte, in the summer of 1846. Yet the Crows are much less ferocious than were the Iroquois in La Salle's time.



As La Salle surveyed this scene of havoc, one thought engrossed him: where were Tonty and his men? He searched the Iroquois fort; there were abundant traces of its savage occupants and, among them, a few fragments of French clothing. He examined the skulls, but the hair, portions of which clung to nearly all of them, was in every case that of an Indian. Evening came on before he had finished the search. The sun set, and the wilderness sank to its savage rest. Night and silence brooded over the waste, where, far as the raven could wing his flight, stretched the dark domain of solitude and horror."

At an earlier day than that in which the foregoing events transpired the Iroquois had been the scourge of the French. In 1641 this is said of them:

"The Confederates at this time were in a flush of unparalleled audacity. They despised white men as base poltroons and esteemed themselves warriors and heroes, destined to conquer all mankind. The fire-arms with which the Dutch had rashly supplied them, joined to their united councils, their courage and ferocity, gave them an advantage over the surrounding tribes which they fully understood. Their passion rose with their sense of power. They boasted that they would wipe the Hurons, the Algonquins and the French from the face of the earth."<sup>5</sup>

The following quotation is selected as giving a more extended account of the aggressions of the Iroquois and their manner of conducting their wars:<sup>6</sup>

"A band of Algonquins late in the autumn of 1641 set forth from Three Rivers on their winter hunt, and, fearful of the Iroquois, made their way far northward into the depths of the forests that border the Ottawa. Here they thought themselves safe, built their lodges and began to hunt the moose and beaver. But a large party of their enemies, with a persistent ferocity that is truly astonishing, had penetrated even here, found the traces of the snow-shoes, followed up their human prey, and hid at nightfall among the rocks and thickets around the encampment. At midnight their yells and the blows of their war-clubs awakened their sleeping victims. In a few minutes all were in their power. They bound the prisoners hand and foot, rekindled the fire, slung the kettles, cut the bodies of the slain to pieces, and boiled and devoured them before the eyes of the wretched survivors. 'In a word,' says the narrator, 'they ate men with as much appetite and more pleasure than hunters eat a boar or a stag.'<sup>6a</sup>

"Meanwhile they amused themselves with bantering their prisoners. 'Uncle,' said one of them to an old Algonquin, 'you are a dead man. You are going to the land of souls. Tell them to take heart: they will have good company soon, for we are going to send all the rest of your nation to join them. This will be good news for them.'<sup>6b</sup>

"This old man, who is described as no less malicious than his captors, and even more crafty, soon after escaped and brought tidings of the disaster to the French. In the following spring two women of the party also escaped, after suffering almost incredible hardships, reached Three Rivers, torn with briars, nearly naked, and in a deplorable state of bodily and mental exhaustion. One of them told her story to Father Buteux, who translated it into French, and gave it to Vimont to be printed in the *Relation* of 1642. Revolting as it is, it is necessary to recount it. Suffice it to say, that it is sustained by the whole body of contemporary evidence in regard to the practices of the Iroquois and some of the neighboring tribes.

<sup>5</sup> *The Jesuits in America*, Parkman, 241.

<sup>6</sup> *The Jesuits in North America*, Parkman, 246-256.

<sup>6a</sup> Vimont, *Relation*, 1642, 46.

<sup>6b</sup> *Ibid.*, 45.

"The conquerors feasted in the lodge till nearly daybreak, and then, after a short rest, began their march homeward with their prisoners. Among these were three women, of whom the narrator was one, who had each a child of a few weeks or months old. At the first halt, their captors took the infants from them, tied them to wooden spits, placed them to die slowly before a fire, and feasted on them before the eyes of the agonized mothers, whose shrieks, supplications, and frantic efforts to break the cords that bound them were met with mockery and laughter. 'They are not men, they are wolves!' sobbed the wretched woman, as she told what had befallen her to the pitying Jesuit.<sup>60</sup> At the Fall of the Chaudiere, another of the women ended her woes by leaping into the cataract. When they approached the first Iroquois town, they were met, at the distance of several leagues, by a crowd of the inhabitants, and among them a troop of women, bringing food to regale the triumphant warriors. Here they halted, and passed the night in songs of victory, mingled with the dismal chant of the prisoners, who were forced to dance for their entertainment.

"On the morrow, they entered the town, leading the captive Algonquins, fast bound, and surrounded by a crowd of men, women, and children, all singing at the top of their throats. The largest lodge was ready to receive them; and as they entered, the victims read their doom in the fires that blazed on the earthen floor, and in the aspect of the attendant savages, whom the Jesuit Father calls attendant demons, that waited their coming. The torture which ensued was but preliminary, designed to cause all possible suffering without touching life. It consisted in blows with sticks and cudgels, gashing their limbs with knives, cutting off their fingers with clam-shells, scorching them with firebrands, and other indescribable torments. The women were stripped naked, and forced to dance to the singing of the male prisoners, amid the applause and laughter of the crowd. They then gave them food, to strengthen them for further suffering.

"On the following morning, they were placed on a large scaffold in sight of the whole population. It was a gala-day. Some mounted the scaffold, and scorched them with torches and firebrands; while the children, standing beneath the bark platform, applied fire to the feet of the prisoners between the crevices. The Algonquin women were told to burn their husbands and companions; and one of them obeyed, vainly trying to appease her tormentors. The stoicism of one of the warriors enraged his captors beyond measure. 'Scream! why don't you scream?' they cried, thrusting their burning brands at his naked body. 'Look at me,' he answered; 'you cannot make me wince. If you were in my place, you would screech like babies.' At this they fell upon him with redoubled fury, till their knives and firebrands left in him no semblance of humanity. He was defiant to the last, and when death came to his relief, they tore out his heart and devoured it; then hacked him in pieces, and made their feast of triumph on his mangled limbs.<sup>61</sup>

"All the men and all the old women of the party were put to death in a similar manner, though but few displayed the same amazing fortitude. The younger women, of whom there were about thirty, after passing their ordeal of torture, were permitted to live; and, disfigured as they were,

<sup>60</sup> Vimont, *Relation*, 1642, 46.

<sup>61</sup> The diabolical practices described above were not peculiar to the Iroquois. The Neutrals and other kindred tribes were no whit less cruel. It is a remark of Mr. Gallatin, and I think a just one, that the Indians west of the Mississippi are less ferocious than those east of it. The burning of prisoners is rare among the prairie tribes, but is not unknown. An Ogillallah chief, in whose lodge I lived for several weeks in 1846, described to me, with most expressive pantomime, how he had captured and burned a warrior of the Snake Tribe in a valley of the Medicine Bow mountains, near which we were then encamped.

were distributed among the several villages, as concubines or slaves to the Iroquois warriors. Of this number were the narrator and her companion, who, being ordered to accompany a war-party and carry their provisions, escaped at night into the forest, and reached Three Rivers, as we have seen.

"While the Indian allies of the French were wasting away beneath this atrocious warfare, the French themselves, and especially the traveling Jesuits, had their full share of the infliction. In truth, the puny and sickly colony seemed in the gasps of dissolution. The beginning of spring, particularly, was a season of terror and suspense; for with the breaking up of the ice, sure as a destiny, came the Iroquois. As soon as a canoe could float, they were on the war-path; and with the cry of the returning wild-fowl mingled the yell of these human tigers. They did not always wait for the breaking ice, but set forth on foot, and, when they came to open water, made canoes and embarked.

"Well might Father Vimont call the Iroquois 'the scourge of this infant church.' They burned, hacked, and devoured the neophytes; exterminated whole villages at once; destroyed the nations whom the Fathers hoped to convert; and ruined that sure ally of the missions, the fur-trade. Not the most hideous nightmare of a fevered brain could transcend in horror the real and waking perils with which they beset the path of these intrepid priests.

"In the spring of 1644, Joseph Bressani, an Italian Jesuit, born in Rome, and now for two years past a missionary in Canada, was ordered by his Superior to go up to the Hurons. It was so early in the season that there seemed hope that he might pass in safety; but as the Fathers in that wild mission had received no succor for three years, Bressani was charged with letters to them, and such necessities for their use as he was able to carry. With him were six young Hurons, lately converted, and a French boy in his service. The party were in three small canoes. Before setting out they all confessed and prepared for death.

"They left Three Rivers on the twenty-seventh of April, and found ice still floating in the river, and patches of snow lying in the naked forests. On the first day, one of the canoes upset, nearly drowning Bressani, who could not swim. On the third day, a snow-storm began, and greatly retarded their progress. The young Indians foolishly fired their guns at the wild-fowl on the river, and the sound reached the ears of a war-party of Iroquois, one of ten that had already set forth for the St. Lawrence, the Ottawa, and the Huron towns.<sup>66</sup> Hence, it befell, that as they crossed the mouth of a small stream entering the St. Lawrence, twenty-seven Iroquois suddenly issued from behind a point and attacked them in canoes. One of the Hurons was killed, and all the rest of the party captured without resistance.

"On the fifteenth of July following Bressani wrote from the Iroquois country to the General of the Jesuits at Rome: 'I do not know if your Paternity will recognize the handwriting of one whom you once knew very well. The letter is soiled and ill-written, because the writer has only one finger of his right hand left entire, and cannot prevent the blood from his wounds, which are still open, from staining the paper. His ink is gunpowder mixed with water, and his table is the earth.'<sup>67</sup>

"Then follows a modest narrative of what he endured at the hands of his captors. First they thanked the Sun for their victory; then

<sup>66</sup> Vimont, *Relation*, 1644, 41.

<sup>67</sup> This letter is printed anonymously in the Second Part, Chap. II, of Bressani's *Relation Abregee*. A comparison with Vimont's account, in the *Relation* of 1644, makes its authorship apparent. Vimont's narrative agrees in all essential points. His informant was "vne personne digne de foy, qui a este tesmoin oculaire de tout ce qu'il a souffert pendant sa captiuite."—Vimont, *Relation*, 1644, 43.

plundered the canoes; then cut up, roasted and devoured the slain Huron before the eyes of the prisoners. On the next day they crossed to the southern shore, and ascended the River Richelieu as far as the rapids of Chambly, whence they pursued their march on foot among the brambles, rocks, and swamps of the trackless forest. When they reached Lake Champlain, they made new canoes and re-embarked, landed at its southern extremity six days afterwards, and thence made for the Upper Hudson. Here they found a fishing camp of four hundred Iroquois, and now Bressani's torments began in earnest. They split his hand with a knife, between the little finger and the ring finger; then beat him with sticks, till he was covered with blood; and afterwards placed him on one of their torture-scaffolds of bark, as a spectacle to the crowd. Here they stripped him, and while he shivered with cold from head to foot, they forced him to sing. After about two hours they gave him up to the children, who ordered him to dance, at the same time thrusting sharpened sticks into his flesh, and pulling out his hair and beard. 'Sing!' cried one; 'Hold your tongue!' screamed another; and if he obeyed the first, the second burned him. 'We will burn you to death; we will eat you.' 'I will eat one of your hands.' 'And I will eat one of your feet.' These scenes were renewed every night for a week. Every evening a chief cried aloud through the camp, 'Come, my children, come and caress our prisoners!'—and the savage crew thronged jubilant to a large hut, where the captives lay. They stripped off the torn fragment of a cassock, which was the priest's only garment; burned him with live coals and red-hot stones; forced him to walk on hot cinders; burned off now a finger-nail and now the joint of a finger,—rarely more than one at a time, however, for they economized their pleasures, and reserved the rest for another day. This torture was protracted till one or two o'clock, after which they left him on the ground, fast bound to four stakes, and covered only with a scanty fragment of deer-skin.<sup>68</sup> The other prisoners had their share of torture; but the worst fell upon the Jesuit, as the chief man of the party. The unhappy boy who attended him, though only twelve or thirteen years old, was tormented before his eyes with a pitiless ferocity.

"At length they left this encampment, and, after a march of several days,—during which Bressani, in wading a rocky stream, fell from exhaustion and was nearly drowned,—they reached an Iroquois town. It is needless to follow the revolting details of the new torments that succeeded. They hung him by the feet with chains; placed food for their dogs on his naked body, that they might lacerate him as they ate; and at last had reduced his emaciated frame to such a condition, that even they themselves stood in horror of him. 'I could not have believed,' he writes to his Superior, 'that a man was so hard to kill.' He found among them those who, from compassion, or from a refinement of cruelty, fed him, for he could not feed himself. They told him jestingly that they wished to fatten him before putting him to death.

"The council that was to decide his fate met on the nineteenth of June, when, to the prisoner's amazement, and, as it seemed, to their own surprise, they resolved to spare his life. He was given with due ceremony, to an old woman, to take the place of a deceased relative; but, since he was as repulsive, in his mangled condition, as, by the Indian standard, he was useless, she sent her son with him, to Fort Orange to sell him to the Dutch. With the same humanity which they had shown in the case of Jogues, they gave a generous ransom for him, supplied him with clothing, kept him till his strength was in some degree recruited,

<sup>68</sup> Bressani speaks in another passage of tortures of a nature yet more excruciating. They were similar to those alluded to by the anonymous author of the *Relation* of 1660: He adds, that past ages have never heard of such.—*Relation*, 1660, 7, 8.

and then placed him on board a vessel bound for Rochelle. Here he arrived on the fifteenth of November; and in the following spring, maimed and disfigured, but with health restored, embarked to dare again the knives and firebrands of the Iroquois." <sup>6a</sup>

The chronicler, however, sets down that "In justice to the Iroquois, that, ferocious and cruel as past all denial they were, they were not so bereft of the instincts of humanity as at first sight might appear. An inexorable severity towards enemies was a very essential element, in their savage conception, of the character of the warrior. Pity was a cowardly weakness, at which their pride revolted. This, joined to their thirst for applause and their dread of ridicule, made them smother every movement of compassion, and conspired with their native fierceness to form a character of unrelenting cruelty rarely equalled." <sup>7</sup>

The object of these quotations is to show the ordinary reader the ferocity with which the Iroquois made war and the great range of territory over which they extended their conquests. And, too, they are to impress the fact that these fierce warriors had no regard for kindred nations. The Hurons, whom they destroyed by the year 1649, were closely related. The Neutral Nation and the Eries were related by blood and of near degree. But the Iroquois had determined on a complete conquest of the Ohio Valley and all the country to the Mississippi. This could not be accomplished with the Neutrals and the Eries left living between them and the vast territory they coveted and had determined to take. So, between 1650 and 1655 the Neutral Nation and the Eries were completely destroyed. Memory of even the Indian held nothing concerning the Eries, and the extermination of the Neutrals was almost as complete. These tribes out of the way, the Ohio Valley lay at the mercy of the Iroquois. There were no Jesuits there to make a record of what transpired nor to preserve the date. But knowing the ferocious character of Iroquoian wars, what actually took place can be easily imagined. And that the conquest was made soon after the destruction of the Neutrals and the Eries there can be but little doubt.

What tribes were then living in what is now Kentucky, it would be difficult to say. Some of the Cherokees may have lingered there. The Shawnees have traditions that they lived along the Cumberland and the upper waters of the Kentucky and Big Sandy rivers. Some of the disappearing Siouans may yet have tarried about the falls of the Ohio. Tribes of the Algonquin stock lived in what are now Indiana, Ohio, Illinois, Michigan and Wisconsin, and some of them may have had villages on the south side of the Ohio. The Chickasaws had a tradition that they once owned the southern part of Illinois and lived there. It is known that they successfully maintained their claim to that part of Kentucky west of the Tennessee River and sold it in a treaty concluded by General Jackson and Isaac Shelby. The people warred on by the Iroquois were these or some of them. The particulars of the sanguinary conflict are lost, but that it was so bloody that both memory and horror of it remained in the Indian mind until long after the white settlers began to arrive. No Indian ever again dared set foot on Kentucky soil with the design of establishing a tribal home. He might cross over it in his

<sup>6a</sup> Immediately on his return to Canada he was ordered to set out again for the Hurons. More fortunate than on his first attempt, he arrived safely, early in the autumn of 1645.—Ragueneau, *Relation des Hurons*, 1646, 73.

On Bressani, besides the authorities cited, see *Du Creux, Historia Canadensis*, 399-403; Juchereau, *Histoire de l'Hotel-Dieu*, 53; and Martin, *Biographie du P. Francois-Joseph Bressani*, prefixed to the *Relation Abregee*.

He made no converts while a prisoner, but he baptized a Huron catechumen at the stake, to the great fury of the surrounding Iroquois. He has left, besides his letters, some interesting notes on his captivity, preserved in the *Relation Abregee*.

<sup>7</sup> *The Jesuits in North America*, Parkman, 256.

wanderings or by stealth skulk in its forests and brakes to hunt game, but for a home—nevermore.

The first settlers heard much of this conquest. Sandy Island was pointed out to them as the last stand of the native tribes, and the heaps of bones disclosed there by receding waters confirmed the tales told by Indians, horror-stricken even to think of that battle more than a century later. So Kentucky was made a solitude by the ferocious Iroquois about 1660 to 1670. Even the rivers were associated with the bloody scene. The Ohio was itself spoken of among Indians as the bloody river. And this appellation attached to other streams. And the pioneers, not knowing what had transpired in the former ages, misunderstood the vague allusions of the Indians and called Kentucky the Dark and Bloody Ground.

The Iroquois permitted the depleted tribes dwelling on the north side of the Ohio to remain, but they were in a state of subjection as long as their masters found it to their interest to assert their authority. By the changes which gradually came with the advance and importance of white settlement the Iroquois slowly relinquished interest there and these tribes came to exercise anew their independence. The broken fragments of the Hurons had fled westward along the Great Lakes when ruin fell on their country. They wandered near a century in these wastes before taking form as a nation, then emerged as the Wyandots. These gathered strength and power as they moved southward by way of Detroit. They were recognized by the Iroquois and came to represent, in a way, their ancient antagonists so far as western interests were concerned. They were placed at the head of the Western League against the advancing whites, known as the Northwestern Confederacy, and which always acted, as a body, in favor of the British. The Delawares were forced westward, and they settled in Ohio along the Muskingum by consent of the Wyandots. The Shawnees were driven from place to place and finally by consent of the Wyandots began to assemble on the north bank of the Upper Ohio. The tribes of the Iroquois began to disintegrate to some extent, and members of all of them—but more of the Cayugas—formed settlements on the Ohio below Fort Pitt. These assumed the generic name of their people—Mengwe—as one which would embrace them all. This name was corrupted by the whites into "Mingo," and these people became the Mingos of history.<sup>8</sup>

So, it is seen how, naturally, in the changing conditions, and in the course of time the Indian tribes which so much troubled the Pioneer Kentuckians, came to be seated in and about what became the State of Ohio. Under the sinister influence of the British and from an inherent inclination, they descended from their recently acquired homes to war on the Kentuckians.

In early Indian history of Kentucky there is encountered the Welsh tradition.<sup>9</sup> Capt. John Smith, the hero of early Virginia, in his history of that colony mentions the Welsh colony, as follows:

"The Chronicles of Wales report, that Madock, sonne to Owne Quineth, Prince of Wales, seeing his two brethren at debate who should

<sup>8</sup> There was copyrighted in 1921, by William H. Cobb, a book entitled *Monument to and History of the Mingo Indians*. It is made up of some addresses, all of which labor under the delusion that the Mingos were a tribe separate and distinct. They must have exercised the functions of a tribe for their local self-government. But they were a mongrel band of Iroquois and were later known as a band of Senecas, though why Senecas is hard to understand, as there was scarcely a Seneca among them. Logan, the orator, was a Mingo—though he was in fact a Cayuga.

<sup>9</sup> A considerable volume was written and compiled by Col. R. T. Durrett, President of the Filson Club, Louisville, entitled *Traditions of the Earliest Visits of Foreigners to North America*. It was printed as Filson Club Publication No. 23, and has been frequently consulted in treating this subject.

inherit prepared certaine Ships, with men and munition; and left his Country to seeke adventures by Sea; leaving Ireland north he sayled west till he came to a land unknowne. Returning home and relating what pleasant and fruitful countries he had seen without inhabitants and for what barren ground his brethren and kindred did murther one another, he provided a number of Ships, and got with him such men and women as were desirous to live in quietnesse that arrived with him in this new land in the yeare 1170; Left many of his people there and returned for more. But where this place was no History can show."

Captain Smith was evidently familiar with the account of Caradoc, which is set out here:

"Prince Owen Gwynedd being dead the succession was of right to descend to his eldest legitimate son, Iorwerth Drwydwn, otherwise called Edward with the Broken Nose; but by reason of that blemish upon his face, he was laid aside as unfit to take upon him the government of North Wales. Therefore his younger brothers began every one to aspire, in hopes of succeeding their father; but Howell, who was of all the eldest, but base born begotten of an Irish woman, finding they could not agree, stept in himself and took upon him the government. But David, who was legitimately born could not brook that a bastard should ascend his father's throne, and therefore he made all preparations possible to pull him down. Howell, on the other hand, was as resolute to maintain his ground, and was not willing so quickly to deliver up, what he had not very long got possession of; and so both brothers meeting together in the field, were resolved to try their title by the point of the sword. The battle had not lasted long, but Howell was slain; and then David was unanimously proclaimed and saluted Prince of North Wales, which principality he enjoyed without molestation, till Llewlyn, Iorwerth Drwydwn's son came of age, as will hereafter appear. But Madoc, another of Owen Gwynedd's sons, finding how his brothers contended for the principality, and that his native country was like to be turmoiled in a civil war, did think it his better prudence to try his fortune abroad; and therefore leaving North Wales in a very unsettled condition, sailed with a small fleet of ships which he had rigged and manned for that purpose, to the westward; and leaving Ireland on the north, he came at length to an unknown country, where most things appeared to him new and uncusomary, and the manner of the natives far different from what he had seen in Europe. This country, says the learned H. Lloyd, must of necessity be some part of that vast tract of ground, of which the Spaniards, since Hanno's time, boast themselves to be the first discoverers, and which by order of Cosmography, seems to be some part of Nova Hispania, or Florida; where by it is manifested, that this country was discovered by the Britains, long before either Columbus or America Vesputius sailed thither. But concerning Madoc's voyage to this country, and afterwards his return from thence, there are many fabulous stories and idle tales invented by the vulgar, who are sure never to diminish from what they hear, but will add to and increase any fable as far as their invention will prompt them. However, says the same author, it is certain that Madoc arrived in this country, and after he had viewed the fertility and pleasantness of it, he thought it expedient to invite more of his countrymen out of Britain; and therefore leaving most of those he had brought with him already behind, he returned for Wales. Being arrived there, he began to acquaint his friends with what a fair and extensive land he had met with, void of any inhabitants, whilst they employed all their skill to supplant one another, only for a ragged portion of rocks and mountains; and therefore he would persuade them to change their present state of danger and continual clashings for a more quiet being of ease and enjoyment. And so having got a considerable number of Welsh together, he bid adieu to his native country, and sailed with ten ships back to them he had left behind.

It is therefore to be supposed, says our author, that Madoc and his people inhabited part of that country, since called Florida by reason that it appears from Francis Loves, an author of no small reputation, that in Acusanus and other places, the people honoured and worshipped the cross; whence it may be naturally concluded that christians had been there before the coming of the Spaniards; and who these christians might be, unless it were this colony of Madoc's, it cannot be easily imagined. But by reason that the Welsh who came over, were not many, they intermixed in a few years with the natives of the country and so following their manners and using their language, they became at length undistinguishable from the barbarians. But the country which Madoc landed in, is by the learned Dr. Powell supposed to be part of Mexico for which conjecture he lays down these following reasons:—first as it is recorded in the Spanish chronicles of the conquest of the West Indies the inhabitants and natives of that country affirm by tradition, that their rulers descended from a strange nation, which came thither from a strange country; as it was confessed by King Montezuma, in a speech at his submission to the King of Castile, before Hernando Cortez, the Spanish general. And then the British words and names of places used in that country, even at this day do undoubtedly argue the same; as when they speak and confabulate together, they use this British word, Gwarando, which signifies to hearken, or listen, and a certain bird with a white head, they call Pengwyn, which signifies the same in Welsh. But for a more complete confirmation of this, the island of Corroeso, the cape of Bryton, the river of Gwyndor, and the white rock of Pengwyn, which are all British words, do manifestly shew, that it was that country which Madoc and his people inhabited."

John Filson, the first to write a history of Kentucky, brought the tradition over the Alleghanies and planted in the fertile soil of the Bluegrass. It has flourished apace, and it has been enlarged, buttressed, expanded, until it has a place in the history of the state. Filson visited Louisville in search of information concerning the Welsh Indians, for by that time the Welsh descendants of the original colonists were supposed to have become a tribe of Indians, seated at the Falls of the Ohio, now Louisville. Gen. George Rogers Clark spoke in a meeting called to consider the matter. He said a Kaskaskia chief had called his attention to large and curiously-shaped earthworks on the Kaskaskia River. This chief was of lighter complexion than the ordinary Indian, and he said this particular earthwork had been erected by his ancestors. Colonel Moore followed General Clark. He said an old Indian had told him that there had been a long war of extermination between the Red Indians and the White Indians. The final battle between them had been fought at the Falls of the Ohio, where the White Indians had been driven upon one island and slaughtered. General Clark then said that Chief Tobacco, of the Piankashaws, had told him the same thing. Major Harrison then called attention to a place on the north side of the Ohio, opposite the Falls, where there were thousands of human bones in such confusion that they must have been those of warriors slain in battle. All of which is only the confirmation of the battle there in which the Iroquois completed the conquest of the Ohio River country. The stories of those Indians were echoes of the fading memory of that awful catastrophe to their people.

At this meeting for the enlightenment of Mr. Filson others were heard, though little real information was forthcoming. Filson spoke last. He occupied much time, and when he was through, the members present were asleep except a Doctor Skinner, who, in compliment to Filson, suggested that his eloquence had put the club to sleep. In the 1794 edition of his *History of Kentucke*, Filson devoted two pages to the Welsh





JOHN FILSON, 1747-1788  
(Courtesy of The Filson Club)

tradition. He gives more than one instance of Indians speaking perfectly the Welsh tongue.

Colonel Durrett gives the main facts of the experiences of one Maurice Griffiths, a Welshman who emigrated to the colony of Virginia and settled on the Roanoke River. He was captured by the Shawnees about the year 1764. Two or three years later he was taken on a hunting and exploring trip up the Missouri River by five Shawnee young men. Far up the river the entire party was captured by a band of strange Indians who lived in that country, and taken by them to their town. This was an immense city, if the story of Griffiths is to be depended on. They traversed it fifteen miles before reaching the council house. There they were condemned to die. But Griffiths had understood what had been said by the chiefs in their deliberations, for the Indians were all white and spoke the Welsh language perfectly. When he acquainted the council with that fact, the death sentence was reversed. The exploring party remained eight months with this nation, which contained, as nearly as Griffiths could make out, some 50,000 souls—all white—not a dark-skinned one among them. They said their fathers had come up the river from a far country. They had no books or records. They had no iron implements, and used stone tomahawks.

A Mr. Thomas S. Hinde bears witness that in 1799 "six soldiers' skeletons were dug up near Jeffersonville, each skeleton had a breast-plate of brass, cast with the Welsh coat-of-arms, the Mermaid and the Harp with a Latin inscription, in substance, 'virtuous deeds meet their just reward.' One of these plates was left by Captain Jonathan Taylor, with the late Mr. Hubbard Taylor, of Clark county, and when called for by me in 1814 for the late Dr. John P. Campbell of Chillicothe, Ohio, who was preparing notes of the antiquities of the west, by a letter from Mr. Hubbard Taylor, Jr. (a relative of mine), now living, I was informed that the breast plate had been taken to Virginia by a gentleman of that state."<sup>10</sup>

Colonel Durrett bewails the fact that these six Welsh skeletons could not compete with a Danish skeleton dug up Fall River, which was analyzed by a chemist and found to be that of Thorsvald Erickson, the Dane, who was killed in America about the beginning of the eleventh century. The Colonel thought these Falls of the Ohio skeletons should have been analyzed by a chemist, when one of them might have been identified as Prince Madoc.

Colonel Durrett cites instances of the destruction of whole tribes of Indians:

"It is therefore well known to us that whole tribes have perished and left only a name behind. That the Madocs were one of these extinguished tribes we have some Indian traditions in evidence. An old Indian told Colonel James F. Moore, of Kentucky, that long ago a war of extermination was waged between the Red Indians and the Indians of a lighter complexion in Kentucky, and that the last great battle between them was fought at the Falls of the Ohio, where the light-colored Indians were driven upon Sand Island as the last hope of escape, and there all were slaughtered by their pursuers."<sup>11</sup>

Here, again, the reversion to the last battle of the Iroquois in the conquest of the Ohio Valley in historic times.

The Mandan Indians, a Siouan tribe yet living in the Dakotas, is the last refuge of the believers in a Welsh or white tribe of Indians. George Catlin, the painter, visited the Western tribes and was for a time at the Mandan village.<sup>12</sup> He was familiar with the Welsh tradition, and he

<sup>10</sup> *Traditions of the Earliest Americans*, 62, 63.

<sup>11</sup> *Traditions of the Earliest Americans*, 68.

<sup>12</sup> See Catlin's *North American Indians*, Vol. 2, pp. 781, et seq.

identified, as he believed, the Mandans as the Welsh. By mounds he traced them, as he supposed, down the Missouri to its mouth and up the Ohio. He was of the opinion that they had constructed some of the mounds now found in Ohio. He records his faith that the ten ships of Madoc, or a part of them, at least, ascended the Mississippi and Ohio Rivers. There—

"They cultivated their fields, and established in one of the finest countries on earth, a flourishing colony; but were at length set upon by the savages, whom, perhaps, they provoked to warfare, being trespassers on their hunting-grounds, and by whom in overpowering hordes, they were besieged, until it was necessary to erect there fortifications for their defense into which they were at last driven by a confederacy of tribes, and there held till their ammunition and provisions gave out, and they in the end had all perished except perhaps that portion of them who might have formed alliance by marriage with the Indians, and their offspring, who would have been half-breeds, and of course attached to the Indians' side; whose lives have been spared in the general massacre, and at length, being despised, as all half-breeds of enemies are, have gathered themselves into a band, and severing from their parent tribe, have moved off, and increased in numbers and strength as they have advanced up the Missouri river to the place where they have been known for many years by the name of Mandans, a corruption or abbreviation, perhaps, of 'Madawgwys,' the name applied by the Welsh to the followers of Madawc."

Here again is found the reversion to the last great battle of the conquest of the Ohio Valley by the Iroquois.

The Mandans can be seen at this day. They are pure Indian. They speak a dialect of the Siouan linguistic family. There is not a syllable of Welsh in it and never was. They are not lighter than other Indians. Here is the account of them as written by the Bureau of Ethnology.<sup>13</sup>

"Mandan. A Siouan tribe of the northwest. The name, according to Maximilian, originally given by the Sioux is believed by Matthews to be a corruption of the Dakota *Mawatani*. Previous to 1830 they called themselves simply Numakiki, 'people' (Matthews). Maximilian says 'if they wish to particularize their descent they add the name of the village whence they came originally.' Hayden gives Miah'tanes, 'people on the bank,' as the name they apply to themselves, and draws from this the inference that 'they must have resided on the banks of the Missouri at a very remote period.' According to Morgan (Syst. Consang. and Affin., 285), the native name of the tribe is Metootahak, 'South villagers.' Their relations, so far as known historically and traditionally, have been most intimate with the Hidatsa; yet, judged by the linguistic test, their position must be nearer the Winnebago. Matthews appears to consider the Hidatsa and Mandan descendants from the same immediate stem. Their traditions regarding their early history are scant and almost entirely mythological. All that can be gathered from them is the indication that at some time they lived in a more easterly locality in the vicinity of a lake. This tradition, often repeated by subsequent authors, is given by Lewis and Clark, as follows: 'The whole nation resided in one large village underground near a subterraneous lake; a grapevine extended its roots down to their habitation and gave them a view of the light; some of the most adventurous climbed up the vine and were delighted with the sight of the earth, which they found covered with buffalo and rich with every kind of fruits; returning with the grapes they had gathered, their countrymen were so pleased with the taste of them that the whole nation resolved to leave their dull residence for the charms of the upper region; men, women, and children ascended by means of the vine; but when about half the nation had reached the surface of the earth, a corpulent woman

<sup>13</sup> *Handbook of American Indians*, Vol. 1, pp. 796, 797.

who was clambering up the vine broke it with her weight, and closed upon herself and the rest of the nation the light of the sun. Those who were left on earth made a village below where we saw the nine villages; and when the Mandan die they expect to return to the original seats of their forefathers, the good reaching the ancient village by means of the lake, which the burden of the sins of the wicked will not enable them to cross.' Maximilian says: 'They affirm that they descended originally from the more eastern nations, near the seacoast.' Their linguistic relation to the Winnebago and the fact that their movements in their historic era have been westward up the Missouri correspond with their tradition of a more easterly origin, and would seemingly locate them in the vicinity of the upper lakes. It is possible that the tradition which has long prevailed in the region of N. W. Wisconsin regarding the so-called 'ground-house Indians' who once lived in that section and dwelt in circular earth lodges, partly underground, applies to the people of this tribe, although other tribes of this general region formerly lived in houses of this character. Assuming that the Mandan formerly resided in the vicinity of the upper Mississippi, it is probable that they moved down this stream for some distance before passing to the Missouri. The fact that when first encountered by the whites they relied to some extent on agriculture as a means of subsistence would seem to justify the conclusion that they were at some time in the past in a section where agriculture was practised. It is possible, as Morgan contends, that they learned agriculture from the Hidatsa, but the reverse has more often been maintained. Catlin's theory that they formerly lived in Ohio and built mounds, and moved thence to the N. W. is without any basis. The traditions regarding their migrations, as given by Maximilian, commence with their arrival at the Missouri. The point where this stream was first reached was at the mouth of White r., S. Dak. From this point they moved up the Missouri to Moreau r., where they came in contact with the Cheyenne, and where also the formation of 'bands or unions' began. Thence they continued up the Missouri to Heart r., N. Dak., where they were residing at the time of the first known visit of the whites, but it is probable that trappers and traders visited them earlier."

A Kansas man has evolved an entirely new theory concerning the Welsh Indians. Mark E. Zimmerman, of White Cloud, Doniphan County, has published an article in which he maintains that the Welsh developed into the ancient Tallegwi who lived in what is now Ohio, and of whom much has been said herein.<sup>14</sup> He bases his conclusions mainly upon archeological research, though the traditions are not neglected. His chief reliance is upon a certain type of grave, which he calls the cyst grave or Celtic type of grave. He calls to his aid types of houses, the remains of which he has found and examined. The cyst graves have been found along the Missouri River to and above the mouth of the Kansas.<sup>15</sup> Mr. Gerard Fowke, who made the investigations, attributes these graves to the Kansas Indians, or thinks it most probable that they may have been constructed by that tribe. They are found in the exact route of the Kansas Indians as they migrated into their historic seat. The graves are vaults built of thin slabs of native stone and show little or no skill in masonry. Whether the Welsh made such graves, or ever did, is not shown. It is estimated that the Allegwi or Tallegwi numbered 100,000. According to this theory, that many Welshmen lived in and around the present State of Ohio. Having come from Wales at a time when the people of that country had a knowledge of smelting iron ore, and of the manufacture of iron and steel implements, and having seated themselves

<sup>14</sup> See *Kansas Historical Collections*, Vol. 14, pp. 471, et seq.

<sup>15</sup> See *Antiquities of Central and Southeastern Missouri*, by Gerard Fowke, published as Bulletin No. 37, Bureau of Ethnology.

in a country here where iron ore abounded in great quantities, together with fuel and other means of smelting and working it, it is passing strange that in all the country inhabited by them there has never been found an iron or steel implement fashioned or used by them. Then, that the Tallegwi were descended from any European stock, or any stock whatever but American Indian stock, is preposterous.

So, the Welsh legend is but a mythic tale. Welshmen may have landed on some American coast. But they did nothing more than dwindle and die there—if they ever reached American shores, of which there is little or no evidence. Summing up the whole matter, there is no proof of any Welsh or White Indians which any court would admit to a jury. It is a fine tradition. Kentuckians are proud to have it connected with their state. But it is a myth. No such people ever lived in Kentucky, nor in any other part of America.<sup>10</sup>

<sup>10</sup>In "The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation," a work compiled and published by Richard Hakluyt in 1589, the year after the Armada, is to be found the following very interesting story. It is quoted exactly as it appears in the fifth volume of Everyman's edition of that work:

"The most ancient Discovery of the West Indies by Madoc the sonne of Owen Guyneth Prince of North-wales, in the yeere 1170: taken out of the history of Wales by M. David Powel, Doctor of Divinity."

"After the death of Owen Guyneth, his sonnes fell at debate who should inherit after him; for the eldest sonne borne in matrimony, Edward or Jorwerth Drwydion, was counted unmeet to governe, because of the maime upon his face; and Howell that tooke upon him all the rule was a base sonne, begotten upon an Irish woman. Therefore David gathered all the power he could, and came against Howell, and fighting with him, slew him; and afterwards enjoyed quietly the whole land of North-wales, until his brother Jorwerth's sonne came to age. Madoc another of Owen Guyneth his sonnes left the land in contention betwixt his brethren, and prepared certaine ships, with men and munition, and sought adventures by Seas, sailing West, and leaving the coast of Ireland so farre North, that he came unto a land unknown, where he saw many strang things.

"This land must needs be some part of the Countrey of which the Spanyards affirme themselves to be the first finders since Hannos time. Whereupon it is manifest that the countrey was by Britaines discovered long before Columbus led any Spanyards thither.

"Of the voyage and return of this Madoc there be many fables fained, as the common people doe use in distance of place and length of time rather to augment then to diminish: but sure it is there he was. And after he had returned home, and declared the pleasant and fruitfull countreys that he had seene without inhabitanta, and upon the contrary part, for what barren and wild ground his brothers and nephewes did murther one another, he prepared a number of ships, and got with him such men and women as were desirous to live in quietnesse: and taking leave of his friends, tooke his journey thitherward againe. Therefore it is to be supposed that he and his people inhabited part of those countreys: for it appeareth by Francis Lopez de Gomara, that in Acuzamil and other places the people honored the crosse. Whereby it may be gathered that Christians had bene there before the coming of the Spanyards. But because this people were not many, they followed the manner of the land which they came unto, & used the language they found there.

"This Madoc arriving in the Western countrey, unto the which he came in the yere 1170, left most of his people there and returning backe for more of his owne nation, acquaintance and friends to inhabit that faire & large countrey, went thither againe with ten sailes, as I find noted by Gytyn Owen. I am of opinion that the land whereunto he came was some part of the West Indies."

"Carmina Meredith filii Rhesi mentionem facientia de Madoc filio Oweni Guynedd, & de sua navigatione in terras incognitas. Vixit hic Meredith circiter annum Domini 1477."

(Verses of Meredith, son of Rhesus, making mention of Madoc, son of Owen Guyneth and of his voyage in unknown lands. This Meredith lived about the year 1477.)

### CHAPTER III

## DISCOVERY AND EXPLORATION BY THE ENGLISH OF THE OHIO COUNTRY

As early as 1642 the Assembly of Virginia encouraged exploration to the westward of the plantations. In that year an act was passed granting trading privileges to Walter Austin, Rice Hoe, Joseph Johnson and Walter Chiles, who had petitioned in 1641 "for leave and encouragement to undertake the discovery of a new river or unknowne land bearing west southerly from Appomattake river."<sup>1</sup> So far as is known, no exploration was made under this permission. But here is the first mention of that *new river* which later became the object of rangers and explorers for thirty years. Some mention of such a river may have been made by men who were infatuated with the American forests and ranged through them from the very first settlement on the Atlantic Coast.

This new river flowed through the untrodden wilderness directly across the course of any Western exploration from the English settlements.

The sources of the Staunton are in Montgomery County, Virginia. From its head waters the New River is distant but a few miles, and its valley at that point is narrow. From the sources of the Staunton to those of the Holston and the Clinch, with the narrow valley of the New River intervening, the distance is less than fifty miles. The head springs of the Great Sandy, a little north of the Clinch, are in close proximity. The James River is at no great distance, while the Shenandoah runs down to the Potomac from a point but little more distant. The New is here a great river, descending through a valley which extends far into North Carolina—to the sources of the Catawba and the Yadkin.

Following the general courses of these streams, there converged upon the New River Indian trails, great ways, warpaths and trading courses from almost every part of the United States east of the Mississippi. Some of these had doubtless been in use for centuries when Jamestown was founded. Some of them marked the direction of ancient conquest. Along their unending windings had migrated and retreated broken, defeated and overthrown peoples, exiled from homelands which they had occupied for ages. And following these came time-worn, prehistoric great war roads came the paleface when impelled to the conquest of the continent. The first efforts of the English to explore westward from the seaboard were made in this direction. Had the expedition continued to advance, it would have arrived at New River, where William Ingles established his historic ferry. The exploration was under the direction of Ralph Lane, governor of Sir Walter Raleigh's colony, and undertaken in March, 1586. The party ascended the river to the site of the City of Halifax. They seem, in fact, to have gone on a perilous mission. They were reduced to such extremes by Indian hostility and consequent hunger that "they ate their two mastiff dogs boiled with sassafras leaves, and were compelled to return."

<sup>1</sup> Henning, *Statutes at Large*, Vol. I, page 262.

After the expedition of Lane, little effort was made for many years<sup>7</sup> to explore to the west of the seaboard settlement. Individual hunters and traders, or perhaps small parties of these, may have entered the mountainous country, then agitated by fierce wars between the native Indian tribes, but these parties made no systematic exploration or permanent settlement, and they left no account of their wanderings.

These wilderness rangers gained some knowledge of western geography and, no doubt, questioned the Indians whom they encountered as to what lay beyond the great hills, for in 1648 some such man wrote this:

"And the Indians have of late acquainted our Governour, that within five dayes journey to the westward and by South, there is a great high mountaine, and at the foot thereof, great Rivers that run into a great Sea; and that there are men that come hither in ships (but not the same as ours be), they weare apparell and have reed Caps on their heads, and ride on Beasts like our Horses, but have much longer eares and other circumstances they declare for the certainty of these things.

"That Sir William was here upon preparing fifty horse and fifty Foot, to go and discover this thing himself in person, and take all needful provision in that case requisite along with him; he was ready to go when these last ships set sail for England in April last; and we hoped to give a good accompt of it by the next ships, God giving a blessing to the enterprize, which will mightily advance and enrich this Country; for it must needs prove a passage to the South Sea (as we call it) and also some part of China and the East Indies."

In 1650 the Assembly was petitioned by Edward Blend for permission to discover and settle to the southward. This petition was granted. On the 27th of August of that year "The Right Honorable Sir W. Berkly, Kt. being Governor and Captaine Generall of Virginia, Edw. Bland, Merch. Abraham Wood, Capt. Elias Ponnant and Sackford Brewster, Gent., foure Men, and one Indian named Pyancha, an Appamattuck for our Guide, with two servants, foure Horses and Provision, advanced from Fort Henry, lying on Appamattuck River at the fals, being a branch of James River, intending a South western Discovery." They came the same day to a Nottaway town, on Nottaway Creek, and at their approach the Indians fled into the woods and concealed themselves. Later they were induced to return, "and shewed us what curtesie they could." On the way and at the town they had found the country "rich levell, well timbered, watered, and very convenient for Hogs and Cattle." The chief of the town was absent, and the chief of another town, one Oyeocker, invited them to his village and led them there, arriving, it seems, on the 28th. And on the night of this day they came to a second town, where they halted. During the night the chief of the first town arrived in a very bad humor and intimated to the guide that he would soon be killed. He used all his powers to prevent a further penetration of the Indian country, representing that the dangers they would meet would be serious. Notwithstanding this warning, the party continued on its way, coming this day to Maharineck, through a pleasing and fertile country. Here the Englishmen were entertained by Indian dances and ceremonies, and food was provided for themselves and their horses. The following day was spent at this town, and the Indians revealed that other tribes had prejudiced them against the English, and had done the same in still other tribes, especially the Tuscaroras.

The Town of Maharineck was two miles from the river of the same name, which the English crossed on their departure on the 31st. On a stream which they called Woodford River they found land which produced two crops of corn every year, and very fine timber. Later in

the day they passed over the "Chickahamine" River, which, a little below, was a mile wide. Pine barrens were found there, beyond which the site of a battle between some of the tribes of that country was found, an account of which battle was given by the guides. They came to a river which was named by them Blandina River. Sturgeon were taken at the falls of this river. An island in this stream was named Charles Island and another was named, by Captain Wood, Berkeley Island. The land opposite Charles Island was named Bland's Discovery, and that over against Berkeley Island was named Wood's Journey. Pen-nant's Bay and Brewster's Point were also discovered and named. The Indians told wonderful stories of the up-country, and of heaps of salt in the rivers. Copper was seen, silver spoken of, and the probability of gold in that country discussed.

On the 2d of September the English arrived at a town on Woodford River and tarried for the night. There they had intelligence of Indian intrigue and jealousy and opposition to their presence. On the 3d of September the guide said they might encounter violence from the Indians if they should return by the way they had gone out. Fine land was passed that day.

On the 4th of September the explorers got back to Fort Henry. Because of the attitude of the Indians in the country they had passed through they had slept with guards set and arms at hand. The journal of the expedition was published under the title of *The Discovery of New Brittain*, and addressed or dedicated "To The Honorable Sir John Danvers, Knight: Great Favourer of the Western Plantations, and a Member of the Parliament of England." While in this day this exploration would be counted of little consequence, in that day it was believed to be a notable achievement. The expedition had reached the forks of the Roanoke, in Mecklenburg County, Virginia, and no evidence was found of any former exploration into that region. By following up the Staunton, the New River would have been discovered. While this exploration was in the direction of the waters of the Ohio, it stopped short of finding them. Later the Staunton became a much-followed stream in reaching the West.

In the year 1653 the Assembly of Virginia enacted a general law conferring authority upon any persons "to discover the Mountains, Provided they go with a considerable partie and strength, both of men and amunition." If any persons availed themselves of the privileges of this enactment they have left no record of the fact. Exploration and discovery languished. Not until 1669 do we find any explorer with sufficient interest in his work to leave a record of his transactions. In that year John Lederer, a German surgeon, under a commission from Governor Berkeley, undertook an expedition of discovery to the west of the English settlements, and reached a point in the present County of Madison. The weather was cold and he encountered much snow in his ascent of the Blue Ridge. After reaching an elevation from which he could see the great ranges to the westward and the Atlantic Ocean to the southeastward, he returned to the settlements.

In the year 1670 Lederer made two journeys of exploration into the wilderness. He set out on the first of these on the 20th of May. He took with him Maj. William Harris and twenty other white men, and five Indians. They were mounted. They reached the vicinity of the site of Lynchburg, when they separated, Lederer and one Susquehanna Indian turning south, and the others returning home. Lederer crossed the Roanoke and entered the present State of North Carolina, after which he returned to his home in Virginia.

The second expedition of this year was commenced on the 20th of August. Colonel Catlett, together with nine whites and five Indians, accompanied Lederer. The direction pursued on this journey was more



to the west than that taken on the two preceding trips. In the present County of Rappahannock they reached the Blue Ridge on the 26th of August. From the top of the Blue Ridge at this point they beheld the mountain ranges rising rank above rank to the west and towering up to the sky. The cold was becoming severe, and the endless chains of mountains to be scaled and passed so discouraged the explorers that they returned. Little practical benefit was derived from the explorations and discoveries of Lederer. They seem to have dispelled the idea that it was but a few days' journey from the Atlantic to the Pacific Ocean. Up to this time we have no record that any Englishman had penetrated to the waters of the great valley of the Mississippi.

In 1645 the Assembly of Virginia provided for the erection of forts for the protection of the colony from attacks by the Indians. All the Virginia settlements were yet in the Tidewater region. The rivers of Virginia flowing across the Piedmont usually descend to tidewater by a fall, or a series of rapids. Of the country beyond the line of these falls little was actually known when provision for these forts was made. The people had seen hordes of Indians come down from the great forests back of the settlements to make war on them and knew that desolation lay in their path. In addition to the three forts set up by the act of 1645, a fourth was provided in March, 1646. This was to be set up at the falls of the Appomattox. It was named Fort Henry and was to be garrisoned by forty-five men. Placed in command there was Capt. Abraham Wood. In October, 1646, the Assembly transferred the fort to Captain Wood, "unto whome is granted sixe hundred acres of land for him and his heirs forever; with all houses and edifices belonging to the said Forte, with all boats and amunition att present belonging to the said Forte, Provided that he the said Capt. Wood do maintayne and keepe ten men constantly upon the said place for the terme of three yeares."

This "Fort Henry" remained the property of Wood to his death, and in 1748 its site was incorporated as Petersburg, the present Virginia city of that name. Nothing is known of the ancestry of Wood. It appears that he was twenty-eight years old in 1638. Information has been gathered and published covering forty-two years of his life, but of his death nothing has been found. He secured grants for more than 6,000 acres of land and was much engaged in public affairs. It is said of him that "He attained eminence as a landowner, politician, soldier, trader and explorer. His position in each of these lines of endeavor was as high as the colony afforded, and the first adequate presentation of his life reveals him as, with the possible exceptions of Bacon and Berkeley, the most interesting and commanding figure of contemporary Virginia."<sup>2</sup>

Captain Wood was one of the expedition to discover, in 1650, the country then named New Brittain, as we have seen. In 1652 he was granted by the Assembly of Virginia permission to explore the regions where "no English ever have bin and discovered," and he and his associates were to have the profits arising from trade in these new countries for fourteen years.<sup>3</sup> No account of activity under this grant has been found.

In 1671 Wood was a major-general. In that year he despatched an expedition "for the finding out the ebbing and flowing of the Waters on the other side of the Mountains in order to the discovery of the South Sea." Those who went on this expedition were Thomas Batts, Thomas

<sup>2</sup> *The First Explorations of the Trans-Alleghany Region by Virginians, 1650-1674*, by C. W. Alvord and Lee Bidgood, page 36. This is by far the best work on this subject.

<sup>3</sup> *Ibid.*, page 102. Hening, *Statutes at Large*, Vol. I, page 376.

Woods and Robert Fallam. Penecute, one of the principal men of the Appomattox Indians and whose name is generally written *Perceute*, and one Jack Weason were of the party. With five horses they left the Appomattox town near Fort Henry, on Friday, September 1, 1671, and on that day traveled, as they supposed, forty miles due west from the old trail known as the Okeneeche Path. They made forty-five miles on the second, and camped at sunset, their course having been north of west.<sup>4</sup> On the third day they changed their course to south of west to correct the error of the second, and "traveled forty miles good." At three o'clock a large swamp had been encountered and a river running into the Roanoke had been waded twice, the horses being led over.

On the 4th of September the party arrived at a village of the Saponi Indians, but made no halt there. It must have been the easternmost town of this people, for towards night the explorers "came to the Soponys west." At that town they were greeted with the firing of guns and demonstrations of welcome. Food was furnished, and the night was passed there. A Saponi was employed as guide to take them to the Totero towns by a way which was shorter than the traveled trail. As the party was ready to mount on the morning of the 5th—about seven o'clock—guns were fired on the side of the river opposite the Indian town. This firing was by a party of seven Appomattox Indians sent on to overtake them by General Wood. A jaded horse belonging to Thomas Wood was sent back from this point "by a Portugal, belonging to Major General Wood, whom we found here." Twenty-five miles was made this day, which brought them to a "town of the Hanathaskies" on an island in the "Sapany River"—the Staunton River. They were late getting under way on the 6th, for Thomas Wood was "dangerously sick of the Flux." He was left at the town, as was the horse he had ridden, and which belonged to Major-General Wood. The horse, too, was ailing. The party went into camp after making some twenty miles. At ten o'clock at night their horses strayed. On the 7th they traveled west over hilly and stony ground, and at three o'clock came in sight of the mountains. Twenty-five miles were made that day.

The explorers got under way by sunrise on the 8th and traveled all day by a course north of west. A little past noon a tree was found on which had been written with a piece of charcoal the letters or initials—M. A. N. I.<sup>5</sup> They reached the foot of the mountains about four o'clock and crossed before camping. They were on the Staunton, which they crossed twice that day. On the 9th they were "stirring with the Sun," traveled west, striking the Staunton near its head, and crossed a second mountain. About three o'clock they reached the Totero town. It was a swamp between a small stream and the Staunton, and was "circled about with mountains." *Perceute*, the Appomattox guide, was there taken sick of a fever and ague, and the party tarried at the Totero village until the 12th. They had arrived there Saturday night and remained over till Tuesday. They determined to leave their horses there and go on foot the remainder of the journey. A Totero guide was secured, and one of the Appomattox Indians was left sick at the Totero town. On this day, the 12th, they followed the trail west over several high mountains and camped near the head of the Staunton, or Roanoke, as they called it, "at the foot of a great mountain." *Perceute* was very ill that night, having been "taken with his fit."

<sup>4</sup> These distances were only estimated, and, as such estimates are likely to be, were too high. Twenty-five miles was a good day's travel in the wilderness.

<sup>5</sup> This is an incident confirming a former statement that the names of the first to penetrate the wilderness are unknown. They are lost. These first wilderness-breakers were about their own business and made no records which have come down to us. It was the merest accident which preserved the memory of John Findlay and his journeys to trade in Southeastern Kentucky. If he had not met Boone no knowledge would have remained of him.

It was yet early on the 13th when the travelers again set forth. After going three miles they came to the foot of a great mountain, which was so steep that it was with difficulty that the ascent was made. Their course was north of west, and to the left they could see the immense proportions of the great range. They sat down weary at the top, and from that point saw the mountain range to both the north and the south. The general elevation was increasing, for the descent on the western side was much less than the ascent had been. The valleys extended west, and it seemed that the mountains were piled one upon the other, "a pleasing tho' dreadful sight." At about 3 o'clock they found two trees marked with charcoal—M A N I—and another on which was cut M A "and several other scratchments." Further on "we found rich ground but having curious rising hills and brave meadows with grass about a man's hight." Many streams were observed. They came out of the southern hills and flowed a northerly course, as they supposed, into the Great River. Going forward, they came to the Great River—the New River. The path led them to the river three times, and at night they waded over it and spent the night on the west side.

So, on the 13th day of September, 1761, the Englishmen who had been sent out for that very purpose discovered the great river, the new river—the New River of all future time, and England stood in the Valley of the Ohio—of the Mississippi.

Before sunrise of the 14th the explorers set forward. The trail led them sometimes to the west and occasionally to the south, as they supposed. It passed over bottom lands and crossed hills. Coming to a bold mountain-top, a prospect opened to them to the southwest. It was of hills rising one upon another like the waves of the sea stirred by a "gentle breeze," and "Mr. Batts supposed he saw sayles; but I think them to be white cliffs." They camped at 3 o'clock, in the hope of seeing the river on the morrow.

The explorers suffered the usual vicissitudes of wilderness-breakers. They were often hungry, and sometimes surfeited. On the 15th the hunters could kill no deer, though camp was not broken until 1 o'clock in the afternoon. On the banks of a river they found wild gooseberries and some large haws—their only food this day. They had not come again to the great river, but hoped it was not far away.

On the morning of the 16th it was realized that the Indian guide had deserted. He was found at the Totero town as the explorers returned. This day the Indian hunters made extra effort to kill game. They returned from the hunt to tell the explorers that they heard the discharge of a gun and the beating of a drum to the northwards. They brought in two turkeys and some fine grapes, on which the men feasted. Later a deer was killed. A large river was found—"a curious River like Apamatack River"—running north about some curious mountains. They came to the site of an Indian town where cornstalks were still standing in the old fields. This, they supposed, was the site of a Mohican village.

The march of the 17th of September carried the explorers to the end of their journey. Indeed, the end had been reached on the 16th, for on this morning they set about marking the limits of their penetration of the wilderness. For some days they had been descending the New River—and the part of it known as the Kanawha. They had arrived at the falls. As the transactions of this day involve the formal assertion of the rights of the English to the Ohio Valley, the entry is set out in full:

"Sept. 17. Early in the morning we went to seek some trees to mark, our Indians being impatient of longer stay by reason it was like to be bad weather, and that it was so difficult to get provisions. We found four trees exceeding fit for our purpose that had been half bared

by our Indians, standing after one the other. We first proclaimed the King in these words: 'Long live Charles the Second, by the grace of God King of England, Scotland, France, Ireland and Virginia and of all the Territories thereunto belonging, Defender of the faith, etc.,' firing some guns and went to the first tree, which we marked thus:

—†—

with a pair of marking irons for his sacred majesty.

C R

"Then the next WB for the right honourable Governor Sir William Berkley; the third thus AW for the honourable Major General Wood. The last thus: TB: RF. P. for Perceute, who said he would learn Englishman. And on another tree hard by stand these letters, one under another, TT. NP. VE. R. After we had done we went ourselves down to the river side; but not without great difficulty, it being a piece of very rich ground on the Mocketans had formerly lived, and grown up with weeds and small prickly Locusts and Thistles to a very great height that it was almost impossible to pass. It cost us hard labour to get thro.' When we came to the River side we found it better and broader than expected, much like James River at Col. Stagg's, the falls much like these falls. We imagined by the Water marks it flows here about three feet. It was ebbing Water when we were here. We set up a stick by the Water side but found it ebb very slowly. Our Indians kept up such a hollowing that we durst not stay any longer to make further tryal. Immediately upon coming to our quarters we returned homewards and when we were on the top of a Hill we turned about and saw over against us, westerly, over a certain delightful hill a fog arise and a glimmering light as from water. We supposed there to be a great Bay. We came to the Toterias Tuesday night, where we found our horses and ourselves wel entertain'd. We immediately had the news of Mr. Byrd and his great company's Discoveries three miles from the Tetera's Town. We have found Mohetan Indians who having intelligence of our coming were afraid it had been to fight them and had sent him to the Toteria's to inquire. We gave him satisfaction to the contrary and that we came as friends, presented him with three or four shots of powder. He told us by our Interpreter, that we had [been] from the mountains half way to the place they now live at. That the next town beyond them lived upon plain level, from whence came abundance of salt. That he could inform us no further by reason that there were a great company of Indians that lived upon the great Water."

They supposed they had reached tidewater in the land beyond the great mountains and that shores and bays coming up from the South Sea had been discovered. It required half a century to dispel that error.

These wilderness-breakers continued on their way home. On the 21st of September they left the Toteria town, and on the 24th came again to that of the Hanahaskies. There they found that Mr. Wood had died and had been buried "and his horse likewise dead." They reached the Sapony town on the 25th and tarried until the 27th. On the 29th arrived at the Appomattox town, "hungry, wet and weary," and must have stopped for a short season. The last entry is here set out:

"Oct. 1 being Sunday morning we arrived at Fort Henry. God's holy name be praised for our preservation."

This discovery made by these men was an event of the first order. Tremendous consequences followed it.

It was 152 years later than the discovery of the mouth of the Mississippi by Alonzo de Pineda, who, in 1519, sailed a short distance up the stream and named it Rio del Espiritu Santo.

It was 143 years later than the discovery of one of the mouths of the Mississippi by Cabeza de Vaca, on the 30th of October, 1528.

It was 130 years later than the discovery of the Mississippi by De Soto, April 25, 1541.

It was two years before the French Jesuits, Marquette and Joliet, discovered the Mississippi by descending the Wisconsin; and "France and Christianity stood in the Valley of the Mississippi."

Upon the discovery of the waters of the Ohio by Batts and Fallam rests the validity of the title of the English to the Ohio Valley, the country west of the great mountains. It required many years of effort, contention, and finally wars, to fully establish this right and wring from France an acknowledgment of it. But it was finally accomplished. And rightfully. The English were contending for their own. The French claim was based upon the alleged discovery of the Ohio River by LaSalle in 1668. If LaSalle had in fact reached the Ohio in that year, as claimed by his friends (and later by some very eminent historians), the French would have had a prior right. But it is now known that he failed to penetrate the Ohio country. His health had broken down. The Senecas told him of the Great River which flowed from their country to the Sea, for to them the Ohio was the main stream. And this is as near a discovery as LaSalle made in that year. And it was later than the exploration of Batts and Fallam, by direction of Maj.-Gen. Abraham Wood, that the French arrived in the Ohio Valley.<sup>8</sup>

The next exploration to the westward was made by James Needham and Gabriel Arthur. They were employed by Maj.-Gen. Abraham Wood, and what is known of their route is contained in his letter of August 22, 1674, to his friend, John Richards, of London, describing in detail the events of the journey. Wood, having no personal knowledge of the country penetrated and writing evidently without any diary or journal before him, has given a confused account of what was accomplished. It is impossible to determine with certainty where the explorers went. Needham was murdered by "Indian John" on the Yadkin River. Arthur was made captive and his execution at the stake decided on. As the brand was being applied to the wood and brush piled about him, the chief came home from a journey. He shot dead the Indian starting the torture and released Arthur from the stake, taking him to his own lodge. Arthur was made to go with the Indians in a raid against the Spanish settlements below the Carolinas. Upon their return they set out to visit the Monetons, Indians having a village on the Kanawha near the Ohio. The Monetons went on a war expedition, and Arthur and his captors went with them. Arthur was wounded and captured. His new captors released him when he promised to send English traders among them, and he returned to his first master. It is supposed that the war party went from the Moneton town against the Shawness at the mouth of the Scioto, and that it was from their villages that he came back to the Tomahittans, his most direct route having been from the Ohio up the Big Sandy and eastward across the Alleghanies and the New River. The Tomahittan chief took him on another excursion, a sort of hunting trip. This carried them far away and they came again to the place where Needham had been murdered. They started back to Fort Henry May 10, 1674, but met with mishap at the Oconeechi town. The Tomahittans fled, leaving Arthur and a Spanish Indian boy. Arthur arrived at the house of Wood at Fort Henry on the 18th of June, 1674. The chief of the Tomahittans did not reach Fort Henry until the 20th of July, having come by the Totero town.

<sup>8</sup> For a discussion of the claims of the English and the French and the disproof of the French claim, see *The First Explorations of the Trans-Alleghany Region by the Virginians 1650-1674*, by C. W. Alvord and Lee Bidgood. For the claims of LaSalle, see pages 24 and 25 of that work.

The sum of geographic knowledge was not increased by the wanderings of Needham and Arthur, nor did their adventures aid in the perfecting the English title to the Ohio Valley.<sup>7</sup>

There are many accounts of the journey of John Peter Salley, or Salling. By one account, John Howard and his son, Josiah Howard, Charles Sinclair, John Peter Salley and two other men, a company of six, set out from Salley's house, at the forks of the James River, to explore the country west of the Alleghany Mountains. In order to enlist Salley in this enterprise, Howard represented to him that he had some kind of agreement with the authorities by which he was to receive for this service 1,000,000 acres of land and that he would share it with Salley and the others if they went with him. Salley consented to go, and the company left his house on the 16th of March, 1742. They went to the New River, which they descended for some distance in a boat made of the hides of five buffaloes which they killed. They left the New River because of the falls and rapids and crossed over to Coals River, which they named from seeing much bituminous coal on that stream. They followed this river to the Kanawha, which they descended to the Ohio. They went down the Ohio to the Mississippi and were captured by the French and carried to New Orleans, where they were thrown into prison. They were kept in prison a long time, but finally Salley escaped and returned home by the way of Charleston, South Carolina, after an absence of more than three years.

In this year [1749] France sent an expedition into the Ohio Valley to take anew, formal possession of the country. It was commanded by Celoron de Bienville, and consisted of 14 officers and cadets, 20 soldiers, 180 Canadians, and a band of Indians.<sup>8</sup> This company descended the Alleghany River to the Ohio. Their formal acts consisted in proclaiming the country a dependency of France and in burying, on the banks of the Ohio, leaden plates on which were inscribed the declaration that the country of the Ohio Valley was French territory. On the 3d of August the first plate was buried at the "Forks of the Monongahela and Ohio."<sup>9</sup> On the 18th the fifth plate was buried on the point at the confluence of the Ohio and Great Kanawha rivers. The Great Kanawha was called the Chinondaichia River. The party reached the mouth of the Scioto on the 22d of August. Some time between these two dates they passed the mouth of the Big Sandy, most probably about the 20th. The chaplain and mathematician of the expedition was Father Bonnecamp, a jesuit priest. From information recorded by him a map of the country traversed was prepared. It shows that observations were made and the latitude and longitude ascertained and noted on the Ohio side of the Ohio River, just above the mouth of the Big Sandy River and on the Kentucky side just below.

<sup>7</sup> The letter of General Wood is published in *The First Explorations of the Trans-Alleghany Region by the Virginians 1650-1674*.

<sup>8</sup> Parkman, Montcalm and Wolfe, Vol. 2, p. 37.

<sup>9</sup> Copy of the *Leaden Plate Buried at the Forks of Monongahela and Ohio by Mons Celoron by way of taking Possession and as a Memorial and Testimony thereof*.

In the year 1749, in the reign of Louis XV, King of France, Ste Celoron, commandant of a detachment sent by the Marquis de la Galissoniere, Commandant in Chief of New France, to re-establish peace in certain villages of the Indians of these districts, have buried this plate at the Three Rivers, below Le Boeuf River, this third of August, near the River Oyo, otherwise the Fair River, as a monument of the renewal of the possession that we have taken of the said River Oyo, and of all those which fall into it, and of all the lands on both sides to the sources of the said rivers, as the preceding Kings of France have enjoyed or ought to have enjoyed it; and which they have upheld by force of arms and by treaties, especially by those of Riswick, Utrecht and Aix-la-Chapelle.—Gists Journals, 273, 274.

## CHAPTER IV

### THE INDIAN TITLE TO KENTUCKY AND ITS EXTINCTION

When the English founded the settlement at Jamestown in 1607, that portion of the royal grant which was to become Kentucky was probably uninhabited, but remained at the disposition of the Lenape and the Mengwe as the result of the conquest they had made of the Alligwi or Tallegwi. If any tribes actually dwelt there, their presence was by permission of the conquerors, who had laid ruthless hands upon it 500 years before. In the reconquest of the Ohio country by the Iroquois in 1650 to 1700, their campaigns had been largely or altogether on the north side of the Ohio River. The final battle, the bloody climax of the half-century struggle, was at the Falls of the Ohio and on the north bank of the stream, one evidence of which being the great quantities of human bones there when the whites first came into that region. This was almost an extermination, and it extended the Iroquoian empire south to the Tennessee. This fact was never disputed by the other tribes living west of the Appalachian Mountains. The Cherokees specifically acknowledged the ownership of the country south of the Ohio to be in the Six Nations at the treaty of Fort Stanwix in 1768. On their way to attend the council for making the treaty they killed deer for food. When they arrived at Fort Stanwix they immediately tendered the skins of these deer to the chiefs of the Six Nations, saying: "They are yours; we killed them after we passed the 'Big River,'" the name by which the Cherokees have always designated the Tennessee.<sup>1</sup>

That the Six Nations had good title to the country south of the Ohio River to the Tennessee River by right of conquest there can be no doubt. John Lederer set down in 1669 in his *General and Brief Account of the North American Continent* of the Indians inhabiting the western parts of Carolina and Virginia that, "The Indians now seated in these parts are none of those which the English removed from Virginia, but a people driven by an enemy from the Northwest, and invited to sit down here by an oracle about four hundred years since, as they pretend."<sup>2</sup> These were the Cherokees.

In commenting on the exploration of Batts and Fallam, 1671, John Mitchell, M. D., has this to say of the Shawnees:

"The Indians they mean were the ancient Chawanoes or Choananons, who lived to the westward and Northwest of the Place that these Discoveries were at; and were at this Time, 1671, engaged in a hot and bloody war with the Iroquois, in which they were so closely pressed at this time that they were entirely extirpated or incorporated with the

<sup>1</sup> *Civil and Political History of Tennessee*, John Haywood, p. 30. Haywood adds: "The Six Nations claimed the soil by conquest, not as the aboriginal owners, and this is the traditionary account of their nation. Who were the aborigines, and whether they were all destroyed or driven from their possessions, and when these events happened, are left unfixed. But in 1750 they rested upon tradition, which at that time had lost the circumstantial details which belong to recent transactions. Certain it is, the whole country which they claimed was depopulated, and still retained the vestiges of an ancient and very numerous population."

<sup>2</sup> *The First Exploration of the Trans-Allegheny Region by the Virginians*, C. W. Alvord and Lee Bidgood, 142.

Iroquois the year following.”<sup>3</sup> In his Memorial to King William, 1699, Dr. Daniel Cox recites that: “Mr. Tonty, one of the French King’s Governours in Canada, owns in his book, printed at Paris, That in the year 1679, when he was there, the Iroquois were possessed of a Territory Extending from the Lower End of the Island of Montreall, where the two great rivers meet which form the St. Lawrence of two hundred Leagues Extent, which is to the west end of Lake Erie. And elsewhere, that they have conquered the Miamihas and Illinois, Chavanoues, three great Nations as far as the River Mechacebe, And that Northward they had conquered the Kicapous, Maschoutens, etc: for which and divers other passages in his Book which seemed to favour the English. \* \* \* All these Countryes and all the Peninsula between the Leaks of Ontario, Erie and the Hurons a most beautiful and fruitful Country, Conquered before by the Iroquois, and four great Nations Expelled were sold by them to the English Government of New York (which agreement or sale is now in the Plantation Office) during the Government of Coll. Dungan at the beginning of King James the 2d’s Reign. These Countryes reach unto the North bounds of my patent and Mr. DeClerke in his Book of the French discoveries printed at Paris by order 1691 owns the Illinois were driven by the Iroquois 1680 out of their Country and went to settle among the Ozages, who dwell west forty or fifty miles beyond the River Meschacebe.”<sup>4</sup>

So the evidence of a complete aboriginal title to the land on the south side of the Ohio in 1768 in the Six Nations appears to be indisputable. This title covered the land south to the Tennessee River. Even the Cherokees acknowledged that. This title was publicly asserted; no secret, furtive or doubtful feature encumbered it. At the treaty of Lancaster, 1744, the Iroquois Chief Tachanoontia, in an oration, boldly proclaimed: “All the world knows we conquered the several nations living on Susquehannah, Cohongownton [Potomac], and on the back of the great mountains in Virginia. The Conoy-uch-rooch [people], the Coh-no-was-ronaw, feel the effects of our conquests, being now a part of our nation and their lands at our disposal. As to what lies beyond the mountains, we conquered the nations residing there, and the land, if the Virginians ever get a good right to it, it must be by us.”<sup>5</sup> By the terms of the treaty of Lancaster, the English considered the title to the country south of the Ohio transferred to the crown and from the crown to the colonies, according to the bounds of their charters. The Indians claimed that it was not their intention to cede these lands in that treaty. Settlers were crowding over the old lines set as the limits of their migration westward. Both the Indians and the colonies knew they would not be restrained. The need for a new treaty and the drawing of a new line to give the settlers more room was apparent to all. Early in the year 1768 Sir William Johnson received from the king’s ministers instructions to proceed with the matter of purchasing from the Indians the lands west of the Alleghany Mountains and the Ohio River. The first step was to send notice of the action of the crown to the governors of the colonies which would be affected by this addition to their territory of Indian-free lands of the time and place of the treaty to be held for this purpose. He then informed the Six Nations, the Delawares and other tribes having interests or residing on the Ohio that this council or congress would be convened and held at Fort Stanwix, in New York, in the following fall.

<sup>3</sup> *Ibid.*, p. 199.

<sup>4</sup> *Ibid.*, pp. 231, 232, 233, 234, 235. In a note on page 234 it is stated that the book referred to was ascribed to Tonty, but denied by him. Its title was *Dernieres decouvertes dans l’Amerique septentrionale de M. de la Salle*. It was published in 1697, not 1679. An English translation was published at London, 1698.

<sup>5</sup> See *Christopher Gist’s Journals*, Darlington, p. 143. References to the Treaty of Lancaster are there given.



In pursuance of this notice the parties assembled at Fort Stanwix in October, 1768. The council was opened on the 24th of October. It was presided over by Sir William Johnson, who was the representative of the king and superintendent of Indian affairs for all the English colonies. George Croghan and Daniel Claus were present as deputy agents, and Guy Johnson, also a deputy agent, acted as secretary of the council. New Jersey, Virginia and Pennsylvania were represented by accredited delegates, the commissioner from Virginia being Dr. Thomas Walker. Chiefs of each one of the tribes of the Six Nations were present, and two Delaware chiefs were present. While the official records fail to show them present, it is known that chiefs and principal men of other Indian tribes were present—for one, the Cherokees. Andrew Montour was one of the interpreters for the crown. Sir William Johnson opened the council and addressed the Indians through Abraham, the principal chief of the Mohawks. He called attention to the desire of the crown to fix a boundary between the colonies and the Indians as much as three years before, and recounted the reasons for this desire. The principal reason was the encroachment of the white settlers on the Indians lands—a condition which has not disappeared even down to this day. At the conclusion of his address, Chief Abraham made an address of a few words to Sir William, telling him that the matter was a weighty affair, and that the chiefs had resolved to retire and consult on a proper answer to all he had said. As soon as it had been determined what answer to make, notice would be given, so that all might assemble to hear it.

On the 31st day of October a deputation from the Six Nations waited upon Sir William and informed him that a chief and a warrior from each nation would attend and deliver their final resolves, to be made public on the following day. They said also that, as it was their just right, they had determined to begin the line at Cherokee River, as they called the Tennessee. The council assembled on the 1st day of November and the Indians desired to know whether Sir William was prepared to hear what they had to say. Being assured that he was, their speaker stood up and delivered the result of their deliberations. After recounting the proceedings theretofore had on the part of both sides, the boundary agreed to by the Indians in councils among themselves was set out. This line was the Ohio River from the mouth of the Tennessee to Fort Pitt, thence by other courses to its eastern termination. The deed or grant embodying the cession by the Indians was executed on the 5th day of November and recited that, "We, the sachems and chiefs of the Six Confederate Nations, and of the Shawnesse, Delawares, Mingoes of the Ohio, and other dependent tribes, on behalf of ourselves and of the rest of our several nations, the chiefs and warriors of whom are now convened \* \* \* do grant, bargain, sell, release and confirm, unto our said sovereign lord King George the Third, all that tract of land situate in North America, at the back of the British settlements, bounded by a line which we have now agreed upon, and do hereby establish as the Boundary between us and the British colonies in America; beginning at the mouth of the Cherokee or Hogohege river, where it empties into the river Ohio; and running from thence upwards along the south side of the said river to Kitanning, which is above Fort Pitt; from thence by a direct line to the nearest fork of the west branch of Susquehannah; thence through the Alleghany mountains, along the south side of the said west branch, till it come opposite to the mouth of a creek called Tiadaghton; thence across the west branch, and along the south side of that creek, and along the north side of Burnet's hills, to a creek called Awandae; thence down the same to the east branch of Susquehannah, and across the same, and up the east side of that river to Owegy; from thence east to Delaware river, and up that river to opposite to where

Tianaderha falls into Susquehannah; thence to Tianaderha, and up the west side thereof and the west side of its west branch to the head thereof; and thence by a direct line to Canada creek, where it empties into Wood creek, at the west end of the carrying place beyond Fort Stanwix, and extending eastward from every part of the said line, as far as the lands formerly purchased, so as to comprehend the whole of the lands between the said line and the purchased lands or settlements, except what is within the province of Pennsylvania."

Preliminary to the granting clause the grantors, the Indians, declare in relation to the land about to be conveyed, and the line bounding it on the north: "We have likewise continued it south to the Cherokee River, because the same is, and we do declare it to be, our true bounds with the southern Indians, and that we have an undoubted right to the country as far south as that river."

Thus was the Indian title extinguished to the land soon to become the State of Kentucky, except that portion later known as the Jackson Purchase—the territory west of the Tennessee, which was secured from the Chickasaws.

The Cherokees occupied the valleys of the Clinch and the Holston and other head branches of the Tennessee. It was necessary to deal with them in the westward expansion of the English in Virginia to the westward. For the protection of the settlers on the extreme frontier it became necessary from time to time to fix lines beyond which they should not settle. These lines were measures for the prevention of Indian forays and reprisals, and the Indians were always consulted. In this way the Cherokees began to consider themselves the owners and proprietors of lands to which they had no title—among them the lands in which was to become Kentucky. Exhaustive research has failed to reveal any ownership by the Cherokees to what is now Kentucky, even when they were the Tallegwi and seated in Ohio. They did not at that time retreat south through Kentucky when expelled by the Iroquois and Lenape, but passed up the Kanawha. So far as revealed by any record examined, there is nothing upon which the Cherokees could formulate a claim to any part of Kentucky. There is a contention that the fixing of these lines to restrain westward settlement from time to time forfeited the English title and vested it in the Cherokees.<sup>6</sup>

<sup>6</sup> R. S. Cotterill, in his article on Transylvania, in his *History of Pioneer Kentucky*. The soundness of the title of the Six Nations is admitted. But, he says, "the title to Kentucky was ceded to the English and not to Virginia. Virginia had no more right to the country than before. England had acquired the right of eminent domain." Then, it is contended, at the treaty of Hard Labor and that of Lochabar, the Cherokees were confirmed in the possession of all the lands west of the lines fixed by these treaties. It is a little difficult to follow this reasoning. It is claimed that Virginia did not own any of this western land—that the English Government *did* own it. By an agreement on a line beyond which settlers should not go Virginia established in land she did not own a valid title to it in the Cherokees. It is thus made out that the Cherokee title was not based on occupation, for the Cherokees never occupied the land, but that it is based on treaty action by Virginia, who never owned the land—an odd way to secure a title to land. Virginia never had the remotest intention of alienating her possessions to the Cherokees. And here is encountered another contention. The ancient bounds of Virginia were 200 miles north and 200 miles south of Old Point Comfort, running from sea to sea—that is from the Atlantic to the Pacific. The *History of Pioneer Kentucky* holds that the abrogation of the Virginia charter in 1624 left Virginia without any bounds whatever. But it is the opinion of Mr. Cooke that—"This was the original charter under which Virginia held at the time of the formation of the Federal Constitution in 1788.—*Virginia*, by John Esten Cooke, in *American Commonwealths*, p. 15. "Sir Francis Wyatt was confirmed in his office, and himself and council only authorized to govern within the same limits as any previous governor."—*History of Virginia*, T. S. Arthur and W. H. Carpenter, p. 149.

Whatever modification of the original bounds of Virginia were made came only after long contention with other colonies. These old bounds were recog-

The treaty relations of the Cherokees with the colonies began in 1721. The French began to exercise an influence over them about that time. Governor Nicholson of South Carolina invited the Cherokees to a general council. Chiefs and warriors from thirty-seven of the Cherokee towns attended. Boundaries were fixed, presents distributed and the Indians returned home satisfied. The governor appointed an agent to superintend the affairs of the Cherokees.

In 1730 the government of North Carolina sent Sir Alexander Cumming to make a treaty with the Cherokees. The council was held in April near the sources of the Hiwassa. Not only did these Indians acknowledge the sovereignty of King George, but they sent a delegation consisting of six of their warriors to carry the crown of the Cherokee Nation to England and there perform an act of homage to the king. In addition to the performance of this act of homage, they concluded a treaty of peace and commerce at Dover on the 30th of June, in which they stipulated:

1. To submit to the sovereignty of the king and his successors.
2. Not to trade with any other nation but the English.
3. Not to permit any but the English to build forts or cabins or plant corn among them.
4. To apprehend and deliver runaway negroes.
5. To surrender any Indian killing an Englishman.

In 1755, to prevent an alliance between the Cherokees and the French, Governor Glenn of South Carolina held a treaty with the Cherokees. They ceded a large tract of land between the Broad and Catawba rivers.

This treaty was followed by another, which was concluded in 1756 with South Carolina. This treaty was with both the Cherokees and the Catawbas. Pursuant to its terms, Governor Glenn erected a chain of forts on his western frontier and erected Fort Loudon on the Tennessee River at the mouth of the Tellico.

Capt. Patrick Jack, of Pennsylvania, purchased from the Cherokees a tract of land fifteen miles square, south of the Tennessee. This was not confirmed until 1762, when it was agreed to at a council held May 7 at Catawba River.

In 1760 the Cherokees joined the French interest. The French and English were at war. It was necessary to take measures for the defense of the colonies, and Governor Littelton of South Carolina invaded their country and defeated them. Later in the year he concluded a treaty with them. They enlisted in the English interest and agreed to kill or imprison all French who should come among them. This treaty they did not observe. In 1761 Colonel Grant was sent into the Cherokee country with a considerable force. He destroyed fifteen of their towns. They then asked for a truce, which was granted. A treaty was made with them, at Ashley's Ferry, near Charleston, by which the boundary of English settlement was fixed at the headwaters of the streams flowing into the Atlantic.

nized by the United States. Virginia formed counties north of the Ohio by right of her bounds as set out in the oldest charter. And it never has been held that defining an Indian reservation destroyed the title of the government to the land upon which the Indians were permitted to live. Prof. Alvord says, in speaking of the treaty of Fort Stanwix, "An examination of the correspondence of the period has led one to believe that it was not generally thought, at this time that the Indian boundary line marked the western limits of the colonies."—C. W. Alvord in article on "The British Ministry and the Treaty of Fort Stanwix, in *Proceedings of the State Historical Society of Wisconsin*, 1908, p. 182.

The distinction between the ownership of the country by the Crown and the colony was emphasized by the early writers. See Appendix to Butler's *History of Kentucky*. But it was a distinction without a difference. The English government never insisted on this feature, but labored diligently and frequently to adjust boundary disputes between the colonies.

So, in fact, the Cherokee never had the shadow of title to the soil of Kentucky.

In 1768 conditions had so changed that it was necessary to readjust the line between the ever-growing western settlements and the Cherokees, if an Indian war was to be avoided. Stuart, the superintendent of Indian affairs, convened the chiefs and warriors at Hard Labor, South Carolina, and concluded a treaty with them. The line was fixed as follows: Beginning on the North Carolina line thirty-six miles east of the Long Island in the Holston, thence to Chiswell's lead mines on the east bank of the Kanawha River. Thence the line followed the Kanawha River to the Ohio. This was the year of the treaty of Fort Stanwix, where the Cherokees had admitted the title of the Six Nations to the land south to the Tennessee River.

By the year 1770 there were hundreds of settlers west of the lines fixed in 1768. The Cherokees knew as well as did the colonies and their western inhabitants that these lines were only for the time being—very temporary. Governor Botetourt of Virginia moved for a new line. He called on his commissioners to make representations to Stuart, of South Carolina, who called a council of the chiefs and warriors of the Cherokees at Lochabar, in his colony. In the treaty concluded there the line was fixed to run from a point six miles east of the Long Island in a direct course to the mouth of the Kanawha River. This line included a very small tract in the extreme east end of Kentucky. Had it ever been run it would have entered Kentucky northeast of the "Breaks" and have passed out above the mouth of Pigeon Creek, on the Tug Fork. But the line was never laid down as provided in the treaty. It was surveyed by Col. John Donelson in the fall of 1771. Little Carpenter and other chiefs who had aided in negotiating the treaty went with Colonel Donelson to locate and mark the line. They urged that the line be run directly to the head of the Kentucky River, thence with that stream to the Ohio River, and thence up the Ohio to the mouth of the Kanawha. They said they preferred natural boundary lines; a line cutting across hills and streams was hard to keep in mind, often being violated unintentionally. The additional territory secured by Virginia by change in the line to the Kentucky River the Cherokees expected pay for, although they knew they did not own it, having been present at and assenting to its sale at Fort Stanwix only three years before. The next year (1772) Virginia had the matter under discussion with the Cherokee chiefs, and the line as surveyed by Colonel Donelson was allowed to stand as the boundary line. It is said, however, that the Cherokees were paid nothing in addition for this change, as they should not have been. By this new line all that part of Kentucky east of the Kentucky River, heading near the Pound Gap, was again acquired by Virginia from the Indians. The Indian title to this part of the state had thus been twice extinguished.

In 1775 (March 17), Col. Richard Henderson, of North Carolina, and his eight associates concluded a treaty at Sycamore Shoals, on the Watauga, with some of the Cherokee chiefs. This treaty was not authorized by any government, but was made by Henderson and his associates in their private capacity and for their private benefit. Two tracts of land were secured from the Indians, one in Northeastern Tennessee and Southwestern Virginia, and the other in Kentucky and Tennessee. The land covered by the grant in Kentucky embraced all that territory west of the Donelson line and east of the Cumberland River—that is, between the Kentucky River and its North Fork and the Cumberland. It included almost all of Central and Western Kentucky and much of North-Central Tennessee. All such purchases had been forbidden by the crown. Virginia did not recognize the purchase as valid, but, as the Indians had received pay for the land, it was regarded as binding as to their interests. So the Indian title to this portion of Kentucky was extinguished for the second time. Colonel Henderson and his associates were given by Vir-

ginia a tract of 200,000 acres of land in Kentucky on the Ohio, about the mouth of Green River.

The next treaty with the Cherokees affecting land in Kentucky was by the United States at Hopewell. The commissioners on the part of the Government made known to the Indians the change which had resulted by the success of the Revolution, explaining that the Government of the United States stood, so far as they were concerned, in the place of the crown. They requested the Cherokees to state what lands they owned and what they would dispose of. In the map which the chiefs submitted to the commissioners the limits of their possessions included most of Kentucky and Tennessee and large parts of Georgia, North Carolina and South Carolina. Selling land they did not own had proven profitable, and they now desired to sell Kentucky a second time. The commissioners brought to their attention their sale to Henderson, saying that as Colonel Henderson was now dead, that matter could not be considered. The chiefs then abandoned their claim to the Henderson Purchase. By the treaty concluded they ceded the lands on the south water-shed of the Cumberland River. Two tracts in this cession were in Kentucky. One was the land on all the waters flowing into the Cumberland and on its west side from its mouth south to the state-line. The other tract was bounded on the west and north by the Cumberland River, on the south by the state-line, and on the east by General Winchester's line. This line is described as follows:

"From Walton's road to the Fort Blount road, which it crosses near the two springs at the 32-mile tree; crosses Obey's River about 6 or 7 miles from the mouth; Achmugh about 2 miles above the Salt Lick; the South Fork of Cumberland, or Flute River, 5 or 6 miles from the mouth and struck Cumberland River about a mile above the mouth of Rock Castle."

This tract is mostly in Clinton, Cumberland, Wayne and McCreary counties.

On the 25th of October, 1805, a treaty was held with the Cherokees at Tellico, Tennessee. In this treaty the Cherokees ceded all their lands north of a line beginning at the mouth of Duck River and up the main stream of the same to the junction of the fork at the head of which Fort Nash stood, with the main south fork. Thence a direct course to a point on the Tennessee River bank opposite the mouth of Hiwassa River. This included all the land remaining as claimed by the Cherokees in Southeastern Kentucky. It is largely occupied by Whitley, Bell and McCreary counties. If the Cherokees made any claim to any land on the Tennessee between that river and the ridge dividing its waters from that of the Cumberland, north to the Ohio, this treaty divested them of it.

In this relation, however, it may be said that the Cherokees never positively asserted any claim to the small tract on the east side of the Tennessee and up to the main ridge between it and the Cumberland. This small tract of Kentucky soil was obtained in a treaty with the Chickasaws held on the 23d of July, 1805. Much other land in Tennessee was ceded at the same time. Thus for the second time was the Indian title extinguished to the tract on the east side of the Tennessee, west of the dividing ridge separating the waters of the Tennessee from those of the Cumberland, and between the Ohio and the south line of the state.

All that remained to the Indians in the State of Kentucky after the treaty with the Chickasaws of July 23, 1805, was that portion lying west of the Tennessee River. This tract belonged to the Chickasaws. A treaty was held with them on the 19th of October, 1819, near Old Town, in their country. The commissioners on the part of the United States were Isaac Shelby and Andrew Jackson. The Chickasaws ceded to the

United States a tract of land bounded as follows: "Beginning on the Tennessee river, about thirty-five miles, by water, below Colonel George Colberts's ferry, where the thirty-fifth degree of north latitude strikes the same; thence due west, with said degree of north latitude to where it cuts the Mississippi river at or near the Chickasaw Bluffs; thence up the Mississippi river to the mouth of the Ohio; thence up the Ohio river to the mouth of Tennessee river; thence up the Tennessee river to the place of beginning."

This cession completed the extinguishment of the Indian title to the soil of Kentucky.

The land included in this last cession became known as the "Jackson Purchase," which designation it bears to this day.

Considered in the terms, values and conditions of the present time, the consideration paid the Indians for their title to the land of Kentucky was insignificant. But it must be remembered that none of these tribes occupied these lands. They were non-residents. And the Cherokees had no title. There had been a time when the Six Nations considered the possibility of settling in Kentucky. Whether they ever seriously contemplated this change of residence is not known. But among the Western tribes this possibility was recognized, and to those of the kindred blood of the Iroquois this great unoccupied tract became known as the *Land of Tomorrow*—the future—a designation of beauty, of romance, of progress. Kentucky has a glorious past. That inspires determination for a brilliant future. Her ideals for tomorrow may be unattainable. They should be. But their inspiration produces effort, hope, and a lively interest in what that Coming Day may hold.<sup>7</sup>

<sup>7</sup> Authorities, not specifically named in this chapter, have mainly been the various volumes of treaties with the Indians. For the Cherokees and their cessions, the *Annual Report of the Bureau of Ethnology, 1883-84*, is the best work found.

## CHAPTER V

### THE EXPLORATION OF DR. THOMAS WALKER

The explorations to the westward from the Virginia settlements toward the Ohio country were, down to 1750, for the purpose of discovery. The English colonists never doubted the validity of the English title to any portion of the land embraced in the Virginia grants from sea to sea. When a tour of discovery was made, it was to find out the nature and possibilities of their own property.

About the year 1750 the lands on the waters of the Ohio began to be considered available for exploitation, with the object of settlement. Prior to 1748 Col. James Patton and his associates had secured a grant of 120,000 acres situated on and about the watershed of the Staunton. Here, on the Great Divide, on land secured from Colonel Patton, the Draper's Meadows settlement was established in 1748. Colonel Patton must have been pleased with his frontier investment, for in the year 1748 he went on a tour of inspection into Southwestern Virginia, undoubtedly with the design of finding additional land suitable for colonization. Dr. Thomas Walker, Col. John Buchanan, a Colonel Wood, and Maj. Charles Campbell—perhaps others—went with him. They followed the Holston down into the Cherokee country. These men were Virginians seeking land in Virginia, but, as the line between Virginia and North Carolina had not been surveyed at that time, there was uncertainty as to the ownership of the lands examined. There has been some disposition to attribute to Doctor Walker the exploration of the country about the Cumberland Gap on this expedition, but no evidence has been found to support this contention.<sup>1</sup>

The Loyal Land Company was organized in 1749. It secured a grant of 800,000 acres of land, to be located in that portion of Virginia which became Kentucky. The fame of Doctor Walker as a surveyor, examiner and judge of frontier lands brought him to the attention of this company. On the 12th of December, 1749, he entered into a contract with the company to explore the country west of the Cumberland in search of a suitable location upon which to lay the warrant for this immense grant.<sup>2</sup>

<sup>1</sup> Dr. Thomas Walker was born in King and Queen County, Virginia, January 25, 1715. He died at his home, Castle Hill, Albemarle County, Virginia, November 9, 1794. He was a man of enterprise and public spirit and in his day filled many positions of public trust in the Virginia Colony. He became a surveyor and made himself familiar with the country to the west of the Virginia settlements of his time. His knowledge of the western country was frequently utilized by the Government. He was sent as commissioner to negotiate treaties where the interests of Virginia and other English colonies required men of the broadest knowledge. One of the most important treaties ever concluded with the Indians was that of Fort Stanwix, in New York. Here the English secured the Indian title to the lands South of the Ohio, including most of what is now Kentucky. In 1750, Doctor Walker and others made an extensive exploration in Eastern and Southeastern Kentucky. Many of the eminent families of Virginia and Kentucky are descended from Dr. Thomas Walker.

<sup>2</sup> The opening sentence of his Journal says that—"Having, on the 12th of December last, been employed for a certain consideration to go to the Westward in order to discover a proper Place for a Settlement," etc. See the Journal of Dr. Thomas Walker in *First Explorations of Kentucky*, a Filson Club publication by J. Stoddard Johnston. Published in 1898.

Doctor Walker set out on this tour from his home at Castle Hill, near Charlottesville, on the 6th day of March, 1750. There went with him, in what capacity is not exactly shown, Ambrose Powell, William Tomlinson, Colby Chew, Henry Lawless and John Hughes. The company was mounted, and there were two pack-horses to carry the baggage. That night the party stopped with Colonel Joshua Fry. The 7th proved a rainy day and, although the party got under way at eight o'clock, not much progress was made. The night was spent with Thomas Joplin, on Rockfish River. The weather continued unfavorable and traveling was rendered difficult. On the 13th they were at the home of William Calloway, where they supplied themselves with rum, thread, and other articles necessary to wilderness travel. At night they stopped with one Adam Beard, a "brutish fellow," who thought to have them arrested or "taken up," as the term was then and as it still is in all the country of the Appalachians. The Blue Ridge was crossed on the 14th. On the 15th corn for their horses was purchased of Michael Campbell, and a country noted for wild game was seen and described. They found that the buffalo had been killed for wanton sport and that the deer and elk had been slain for their hides. On the 16th of March the party reached the home of William Ingles, who had married Mary Draper, of the Draper Settlement, and whose marriage was the first solemnized in the Mississippi Valley between English-speaking people. Ingles had a mill on the headwaters of the Staunton. Five years later the Shawnees attacked his house and carried away his wife and children.<sup>8</sup>

The New River was crossed on the 17th. On the west bank lived a colony of Dunkards, and this colony had built a mill there. The river was 400 yards wide, and the explorers were compelled to swim their horses over the stream, which was probably done in the Appalachian way—the reins held by those standing in a canoe paddled by one sitting at the stern, and the horses swimming with the craft and on the lower side. William Ingles afterwards established a ferry at this point, which later, in the day of westward migration, became famous as Ingles' Ferry. His descendants still live there. The explorers found the Dunkards very hospitable and, owing to the straying of their horses, they did not get away from this point until the 20th. The camp on the 21st was on Reedy Creek, a tributary of the New River which heads a little west of Wytheville. Doctor Walker stopped at the home of James McCall, of whom he purchased a supply of bacon. The Great Divide between the waters of the New River and the Holston, one of the main branches of the Tennessee—all tributary to the Ohio—was crossed on the 22d of March. The camp was made some five miles "below Davises Bottom" on the Holston, where there was a large spring. The course on the 23d was down the Holston, but only for four or five miles. Doctor Walker and Ambrose Powell went from the camp to find one Samuel Stalnaker, who had just moved into that wilderness to settle. His camp was found, and on the 24th the party went to his place and helped him to raise his house. Stalnaker was a trader to the Cherokee Indians, then living on the Tennessee and its branches. Doctor Walker had met him going on one of his trading expeditions in 1748 and tried to engage him as guide, but Stalnaker could not go with him. No settler's cabin lay west of that of Stalnaker. At that day he was the Johnny Groat of the Western wilderness.

From Stalnaker's the explorers turned west. On the 26th, camp was made at a large spring on a branch of the North Fork of the Holston. It stormed. There was thunder and lightning, and on the morning of the 27th snow was falling, and it did not cease until noon. This day the mountain-tops to the northwest were covered with snow. On the

<sup>8</sup> See Chapter of this work on Mrs. Mary Ingles for an account of this incident.



28th another stream named Reedy Creek was reached. This stream empties into the Holston at the foot of the Long Island. The night of the 29th the dogs of the party were excited and uneasy. The cause was found the next day, when tracks of some twenty Indians were discovered. The Indians had gone up the creek during the night. On the 30th two young buffaloes were caught, one of which was killed for food and the other permitted to go. At the mouth of Reedy Creek a giant elm tree was seen. Three feet above the ground it measured twenty-five feet around. The young of the wild duck were seen on the 31st. The North Fork was reached at its junction with the main stream and ascended a short distance to a ford, where it was crossed. On the land in the forks of the Holston five Indian houses built of logs and covered with bark were seen. They were abandoned, and pots and pans lay scattered about, some broken and some sound and good. Bones were abundant. On the west side of the North Fork stood four other Indian houses of the same kind. Four miles down the Holston, on the east bank, was a large Indian fort, opposite which the party camped for the night. The houses and the fort were buildings of the Cherokees, to whom this country belonged.

The first day of April was the Sabbath. Doctor Walker was a strict observer of the day. The party remained in camp, and the doctor cut his name and the date on a number of beech trees. Little progress was made on the second, one of their horses becoming sick from having eaten too much of the cane from which the pioneers made the stems for their pipes. The following day a mountain range rose to vision to the westward. Its sides were precipitous, and its top was a wall of gleaming white sandstone. It was flanked by out-liers of much inferior size. Search for a gap or notch in the range failed to reveal one. The party slept under the range on the 4th, riding down its eastern flank and keeping close observation, hoping for a gap through which it might be passed. This was found on the 5th about three in the afternoon, when the passage was effected. This was probably through Looney's Gap, a breaking down of Clinch Mountain. The camp was on a small branch, now called Greasy Creek, and only a mile from the top of the mountain. Doctor Walker's riding horse became choked on the cane and had to be drenched. On the 6th it rained and camp was not broken, and but eight miles was made on the 7th because of the snow, which was falling most of the day. The dogs caught a large bear, and in the fight one of the dogs was so injured that he could not travel, but had to be carried on horseback. It snowed on the 8th, which was the Sabbath. On the 9th Clinch River was reached at a point near the present Sneedville, Hancock County, Tennessee. Doctor Walker notes that this river was well known to the hunters and that it had been named for one of them. The river was too deep to be forded by the pack-horses, so the baggage was carried over on a raft, which they hastily constructed and which failed to float high enough to carry articles dry after the first trip. On the 10th the remainder of the baggage was carried over by the men, who waded the river for that purpose. The river was about 130 yards wide. Camp was made five miles down, on the west bank. A high mountain was crossed on the 11th, bringing the party to a stream they called Turkey Creek, now Big Sycamore Creek. The creek was descended four miles, and it lay between two high mountains. The way on the 12th led still down this stream. Two miles brought the party to a large stream coming in through the east mountain, making a pass. This branch was followed over a large buffalo road or path, which led the party over the west mountain, four miles beyond which they found a large stream which they called Beargrass River. It was about seventy yards wide. Later

the Long Hunters named it Powell's River, from finding the name "A. Powell" cut on a beech tree on its banks. Doctor Walker declares the water in it was the most transparent he had ever seen.

On the 13th of April Doctor Walker and his companions came to that remarkable depression now known as Cumberland Gap. It either already bore the name of Cave Gap or else Doctor Walker then and there gave it that name. He describes the physical features surrounding this gap with more minuteness than is usual with him. That the gap was at that time well known to hunters and explorers was made plain by Doctor Walker. Laurel trees were found marked with crosses, with blazed sides, and with other figures. The mountain to the north was steep and was named by the party the "Steep Ridge."<sup>4</sup> The party passed through the gap and to Flat Creek, now Yellow Creek, after having traveled thirteen miles. On the bank of Yellow Creek they found good coal. The Indian road—the great Warrior's Path—led down this creek, and it was followed five miles on the 14th. Although the 15th was the Sabbath, they went along the Indian road to Clover Creek, seemingly so called because of the abundance of clover which they found growing there. It is now Clear Creek. Rain kept them in camp on the 16th, which time Doctor Walker improved by making himself a pair of moccasins. And as the rain continued on the 17th, camp was not broken. It was on this day that Doctor Walker went hunting and, a mile below the camp, found that Clove (Clear) Creek emptied into a river, which he named Cumberland River—the first mention of the name "Cumberland" in his Journal. On the 18th the party followed the Indian road down the creek to the river. The Warrior's Path was still followed to the point where it crossed the river. This was the crossing so long known (and yet known) as the Cumberland Ford, one of the historic crossings in America. It is just below the Pineville station on the Louisville and Nashville Railroad and the bridge which crosses from it to Pineville. The Warrior's Path crossed there—had crossed there for generations. Indian conquest many centuries back may have followed down to this most remarkable ford. Battles may have been fought then for its possession. There is little doubt that defeated and broken tribes were hurled across it by the Iroquois in their conquest of the Ohio Valley between 1650 and 1700. The Wilderness Road marked by Boone in 1775, largely over the Warrior's Path, crossed here after coming through the Gap in the Cumberland. And here crossed those hordes of settlers coming out of the older communities to find new homes in a new land. And as they passed these everlasting gates they became freer men. Their vision broadened, their independence hardened. And these bore fruit on the park-like plains

<sup>4</sup> And here we come to one of those commonly accepted statements so often found in history. It has been asserted, and without challenge apparently, that Doctor Walker named this great range of mountains the Cumberland Mountains, and the gap the Cumberland Gap. They bear these names to this day. The truth is that he did no such thing. He found the gap named Cave Gap and left it with that name. He named Cumberland Mountain Steep Ridge. These facts are very plainly stated in his Journal. And it must be asserted here that Doctor Walker did not bestow the name "Cumberland" on either the Cumberland Gap or the Cumberland Mountains. On the 17th of April he discovered and named Cumberland River. It is said that he bestowed this name in honor of William Augustus, Duke of Cumberland, son of George II and Queen Caroline. He was the "Bloody Duke." Byron called him "The Butcher." At the battle of Culloden he defeated the Highlanders who favored the Pretender. He spared neither the wounded nor the prisoners. They were murdered. William E. Connelley, the author, had two ancestors in the Highlander ranks, both wounded, stripped and left for dead on the bloody field. They revived and finally got out of Scotland and to North Carolina.

It may be admitted that Doctor Walker named this gap and this major mountain range by indirection. His name of the Cumberland River stuck, and from it, more than likely, the name "Cumberland" later attached to Cumberland Gap and Cumberland Mountains.

of what became Kentucky in the development of the first real democracy the world ever saw.

The explorers were on the south or west side of the Cumberland. On the 19th of April they went seven miles, having left the river, but coming to it again in four miles at the mouth of Licking Creek, probably the Brushy Creek of this day. In the fork of this creek they found a large lick, which was much used by the buffalo, the elk and the deer. The roads leading to it were large and evidently well-beaten. In an encounter with a bear in the afternoon of this day Ambrose Powell was bitten on the knee. On the 20th the party rode down the creek two miles to the river, which was not wider than at the mouth of Clear Creek (or Clover Creek, as they had called it), but much deeper. Doctor Walker thought best to cross the river here and take the north bank. He must have come to this conclusion when he found that the river was turning to the south or southwest. There was no ford, and, as the stream was deep, it was necessary to make a canoe. One could be made of bark more quickly than from wood, so bark was the material chosen. It was completed in the morning of the 21st and found satisfactory after trial. At noon a thunderstorm broke over the land and continued for hours. The 22d was the Sabbath. One of the horses was unable to walk. This would detain them for a time, and Doctor Walker proposed that he and two members of the party, to be chosen by lot, should proceed with the exploration, while the others should remain in camp, build a house and plant some peach stones. The lots fell upon Ambrose Powell and Colby Chew.

The baggage was carried over the river in the canoe on Monday, the 23d. The horses were made to swim as they had been made to swim at the New River. This crossing was made some five or six miles below the present Town of Barbourville, probably below the bend where the river turns to the south. After the crossing was safely made, Walker, Powell and Chew departed. The others were to put up the cabin and kill and salt some bears. The three who went on to continue the exploration traveled twelve miles and camped on what they named Crooked Creek, a stream not now identified. They had passed beyond the coal measures and had come into flat poor lands. On the 24th eighteen miles were made. Poor land was encountered, and along the streams there was much laurel and ivy. No pasturage for the horses was found, and a fresh Indian trail was seen and followed for a time. The party went to the west on the 25th for a distance of five miles. The laurel, or rhododendron, was becoming thicker on the ground, and food was running low. Doctor Walker climbed a tree and from the height surveyed the country, which did not change in appearance so far as he could see. From this point it was determined to return. The track was retraced for a mile, when the party turned south toward the Cumberland, which was reached at the mouth of Rocky Creek, probably now Watts Creek, falling into the river below Williamsburg, Whitley County. Below the mouth of the creek was found an ash tree marked T. W., a red oak marked A. P., a white hickory marked C. C., and a number of trees were blazed on different sides, with three chops above each blaze. All showing that English explorers had been there long before them. The party went up the river eight miles and camped. In a fight with a bear, a dog belonging to Doctor Walker had a foreleg broken. The route of the company was along and up the river on the 27th. A stream called Indian Creek was crossed, and Meadow Creek was descended to the river. This may have been the present Meadow Creek, though it is not certain. About the mouth of this creek were found several Indian cabins grouped about a mound twenty feet high and sixty feet wide at the top. This was probably an abandoned Cherokee town. The com-

pany camped on the bank some distance from the old town up the river.

The party continued up the river on the 28th, arriving at the camp where their companions had been left. The lame horse was no better, and another horse had been bitten on the nose by a snake. The party left behind had built a house, or cabin, rather, 12 by 8 feet. They had cleared a patch of land, which they had planted to corn and peach stones. They had also killed several bears and dressed and salted the carcasses.<sup>5</sup>

Under the date of April 29, Doctor Walker describes a pond which was a mile below the house. It was a quarter of a mile long and 200 yards wide, and was frequented by wild water-fowl. It is claimed that Daniel Boone named this pond "Swan Pond" some years later and that it still bears this name, though it is now smaller than it was in Doctor Walker's time. On the 30th the party left this settlement or cabin and clearing to continue the exploration. Before leaving, Doctor Walker took a last look around, blazing a way from the house to the river. He probably crossed the river, for he describes a large elm there which had been cut down and divested of its bark for some twenty feet, most likely by hunters to secure material for a canoe. The bark of another had been cut around for peeling, but the bark had not been taken off. Two hundred yards below a white hickory had been barked, a piece fifteen feet long taken from the entire body. A last survey of the river showed a depth of seven or eight feet at its lowest and a sandy bottom. The current was slow. The banks were high. When the party started away it was without the lame horse; he was abandoned. Camp was made in a valley north of the house. Another horse was bit by a snake on this day, the 1st of May. A stream was named Powell's River, for Ambrose Powell. The Indians' road, or Warrior's Path, was noted as going up a creek where they camped—Doctor Walker thought it the same road which passed through Cave Gap—now Cumberland Gap. This is another instance in proof that Doctor Walker had not called the gap Cumberland Gap. He wrote it Cave Gap on this day. He found it Cave Gap and he left it Cave Gap.

For the next three weeks the party followed mainly the direction of the Warrior's Path, seeing it occasionally. The course cannot be traced

<sup>5</sup> Just where this house was built is not known. Mr. Johnston, in his *First Explorations*, says it was four miles below Barbourville, on the land formerly owned by George M. Faulkner, and that it was added to and occupied up to 1835. It was, he says, identified as to location by the debris of the chimney. This may all have been said on the authority of W. S. Hudson, of Barbourville, who, many years ago made the same claims in an article published widely in the Kentucky press. If the statements concerning the location of the cabin are as far from the actual facts as are many other statements in his article, then no dependence can be placed on any thing in the publication. Mr. Johnston seems to think the cabin was to be the future office of the Loyal Land Company. But it was not large enough—only twelve by *eight* feet—not twelve by *eighteen* feet. And there is no probability at all that a chimney was built to it. It was built in four days by three men, who had in addition cleared some land and planted it to corn and peach stones. It was evidently a very temporary structure, and was intended perhaps as an evidence of the location of a tract of land for the Loyal Land Company. On the Nuremberg Map, 1756, it is marked as on the Cumberland River and set down as "Walkers Settlement 1750." It is interesting to note that while the Cumberland River is shown on this map, evidently from information supplied by Doctor Walker there is no Cumberland Mountain and no Cumberland Gap. This is additional evidence that Doctor Walker did not name the mountains nor the gap, as claimed. These names came from the river Cumberland.

This cabin is the first there is any account of having been built in the present Kentucky by English-speaking people. The French had erected dwellings for the Indians before this opposite the mouth of the Scioto, and on the south side of Big Paint Creek, at the Flat Rock, now in Paintsville, before this date; and probably at many other places. Just when Matthias Harman erected his hunting lodge in the Block-house Bottom immediately below the mouth of John's Creek, in Johnson County, is not known, but it was before 1755.

exactly. Streams were named for the members of the party. An examination of topographical maps of the region traversed will show possibilities in various quarters, including the South and Middle forks of the Kentucky River. Mr. Johnston is of the opinion that the course was more to the west, across the headwaters of Rockcastle River. It may have been, though it is difficult to find there streams corresponding with those described by Doctor Walker. It is not certain that in this part of the exploration he held always to a definite swing bearing to the eastward. Coal was found, and many features noted which are to be encountered even at this time, such as the laurel and ivy and the rockhouses.

On the 22d of May the party "went down the Branch to Hunting Creek & kept it to Milley's River." Milley's River, it is generally agreed, is the Kentucky River, and it was struck probably at the mouth of Station Camp Creek, a little above Irvine, Estill County. The river was 90 to 100 yards wide and very deep, and the country was so difficult that they could go neither up nor down. Trees were blazed in the fork of the creek and river, and Doctor Walker cut the letters T. W. on a sycamore measuring forty feet around. A bark canoe was commenced. This craft was completed on the 24th, the river crossed about noon, and various trees marked on the north bank. Here a definite turn to the eastward began. The dogs roused a large male elk on the 26th, and in the chase it killed Ambrose Powell's dog, Tumbler, and the stream they were then on was named Tumbler's Run from that circumstance. On the 30th woods freshly burned over were encountered, and on the 31st the camp was made by a wolf's den, and the wolves howled all night, though they were shot at. Four young wolves were taken from the den on the 1st day of June. On the 2d of June the party descended a branch to a river seventy yards wide. There can be but little doubt that the branch was that now known as Gardner's Branch in Magoffin County. This branch falls into the Licking River  $1\frac{1}{2}$  miles, by the present road, below Salyersville. Both the mouth of this stream and the ford where the party crossed the river are on the Old Station Farm, formerly owned by Benjamin Gardner, now owned by Dr. Walter C. Connelley.<sup>6</sup> Doctor Walker named this river Frederick's River and noted that elk were very plentiful on that stream. The ford where the party crossed is still in use, at the foot of Gardner's Hill. Cutting across this hill it is but a mile to the center of Salyersville, but going around with the river as it then flowed the distance is about what Doctor Walker makes it—three miles.<sup>7</sup> Whit Sunday, the 3d of June, was spent in the slope in Salyersville on which the court house stands, perhaps where William Adams, the pioneer, had his residence. They found a mowing place in the bend of the river. This is a place where a number of elk got together and spent the winter in company, like domestic cattle. In the cold north such gathering places of the moose are called "yards." The animals stand close together for warmth in extremely cold weather. The elk were believed by the pioneers to have been more plentiful on the Upper Licking than at any other place in Kentucky. Doctor Walker speaks of the abundance of them there.

<sup>6</sup> Son of William E. Connelley, the author.

<sup>7</sup> The ford is at the foot of a remarkable hill, near the top of which there is a fine spring. The station or fort built there about 1792 by the Praters and other pioneers from South Carolina, stood on this hill directly above the ford. There had been an Indian town on the flat top of this hill, perhaps more than one, or, more properly, the various tribes successively inhabiting that country in previous generations, had all maintained a town there. There was another Indian village on the opposite side of the river near the present residence of Doctor Connelley. The great Indian trail from the Big Sandy passed the sites of these towns going to Central Kentucky and the Cumberland Gap. Doctor Walker was following this trail when he came down Gardner's Branch.

The mowing place mentioned by Doctor Walker was in the short bend of the Licking, just below the mouth of the State Road Fork. The land was high next to the river, but lower back toward the hills. The land in the bend was covered with magnificent trees. Where the ground was lower, there was a luxurious growth of the switch cane, which remained green all winter and which furnished pasturage for the elk, the deer and the buffalo. There were thousands of acres of it along that part of the Licking.

The land across the neck of the band was always overflowed in high water and a channel was finally cut there by the current, and the river runs permanently there now, eliminating the bend or island where Doctor Walker found the stamping place of the great herd of elk which always wintered there. The buffalo road mentioned by Doctor Walker was plain and well defined, for a number of them converged there. The party left camp about 10 o'clock, going up the State Road Fork. At its forks they turned up the main stream, which was named Falling Creek, for in early times it was a deep and rapid stream. At 5 o'clock, on the approach of a heavy cloud, they stopped to pitch camp. There was rain, hail and violent wind. The large trees were blown down in such numbers that the members of the party fled, running different ways to shelter in smaller timber. The tent was blown down, but it was found after the storm that little damage had been done. There was a heavy rain just before daylight on the 5th. On attempting to ascend the creek it was found that the fallen timber made the path impassable. The highlands were taken to and a ridge was followed to the head of the creek, when the party turned down the head stream of Little Paint Creek, along the old Indian trail, now the main road from Paintsville to Salyersville. Camp was made early because of the rain. On the 6th they followed down the branch until it became a large creek. They called it Rapid Creek. They continued and evidently reached the main stream—Big Paint Creek—after traveling, as they believed, eight miles. They must have supposed Little Paint Creek to be the main stream, which, when it is swollen, it appears to be, though Big Paint Creek is formed by the junction of Little Paint and the Open Fork. The creek could not be crossed, and camp was made in a bottom. On the morning of the 7th it was possible to ford the creek, when it was crossed. They kept down it a distance which they called twelve miles, coming to a river about 100 yards wide and which they named Louisa River. This is the present Levisa or Louisa Fork of the Big Sandy River. They named it, it is said, for Louisa, sister to the then Duke of Cumberland. In reaching the river they passed over the site of the present Town of Paintsville, county seat of Johnson County. The courthouse is half a mile from the river up Big Paint Creek. There was no island, as Doctor Walker says, but the heavy rains had filled the cane-covered low grounds with slowly moving backwater which, flowing back of the high land at the mouth of the creek, gave it the appearance of an island which was very real.<sup>8</sup> In fact, in times of freshets, there were sometimes two such islands, one on each side of the creek, down to the pioneer days of that part of Kentucky, caused by the flooding of the lowlands by backwater. On the 8th the river was still too high to be forded, and in the afternoon Doctor Walker and Ambrose Powell went hunting. They must have gone down the river, and at a point below where was afterward built the old Concord meeting-house they heard the discharge of a gun on the opposite side

<sup>8</sup> If there had been less backwater in the cane-covered bottoms, Doctor Walker would have found many signs of Indians on and around the site of Paintsville. He had noted "great sign of Indians on this creek," on the 6th of June. See Chapter on *The Founding of Harman's Station* for these Indian marks and signs.

of the river. Those who have not heard, in the wilderness, sounds indicating the presence nearby of fellow-men cannot conceive the joy of it. Doctor Walker made efforts to attract the attention of the person who had fired the gun. But caution probably prevented the hunter from making himself known. He doubtless feared that Doctor Walker and his companions were Indians seeking to decoy him to captivity or death. So a meeting which would have proven a pleasure to all parties was rendered impossible by the conditions under which men were compelled to range the mighty forests of the West in those times.

The flood in the Louisa River was caused by the local rains of the past few days, and it subsided quickly. By the morning of the 9th it was possible to ford the river, which the party did at the break at the head of a shoal just below the mouth of the Muddy Branch. This break is locally known as "Jeffy's Ripple," from Jefferson Preston's residence there in pioneer times. The precipitous mountains, above and opposite the mouth of Big Paint Creek, coming down to the river made it necessary for the party to go down the river after crossing it. The party went up Greasey Creek, having passed the Buffalo, which was too small to promise any opening across the mountains. Camp was made on the Rockhouse Fork of Rockcastle River. The 10th was Trinity Sunday and only a short distance was traveled, and this only to secure better camping facilities. The way was choked by the trees which had been blown down by the storm of Monday. In the night it rained violently and on the morning of the 11th it was found impossible to go on because of the flood. A tomahawk and a vessel which they called a can was lost by the high water. The morning of the 12th found the waters much reduced, and they moved down to the mouth of the creek. They found many trees torn up by the roots and some barked by the driftwood which had been washed down by the flood waters. The way became rough on the 13th, and the streams were abandoned for the tops of the ridges. And these proved well nigh impassable. The laurel and ivy were so thick that a way had to be cut with their tomahawks. This condition continued on the 14th, for they were slowly working their way southeastward through that tangle of steep ridges between the two forks of the Big Sandy River. They finally emerged from these on the 19th of June, when they reached the Tug Fork, which they named Laurel Creek. There they were charged by an enraged buffalo bull, which they shot before he had injured any of them. They ascended the creek six miles to a north fork, which they followed to the head, but in attempting to cross a mountain they failed, and they camped on the side of it. They were now bearing much to the eastward. On the morning of the 20th they succeeded in crossing the mountain which had proved too difficult the day before. The stream they descended on the other side took them back to Laurel Creek.

The party continued the journey to the eastward. On the 28th of June they reached New River, just below the mouth of the Greenbrier River, and crossed it by wading and carrying their baggage on their shoulders. They started up the Greenbrier on the 29th. They began to meet people on the 7th of July, and were then but eight miles from a settlement on Jackson's River. The party arrived at Augusta Courthouse on the 11th. On the 12th Doctor Walker left his company and set off for his home, where he arrived about noon of the 13th of July. He ends his Journal with this:

"We killed in the Journey 13 buffaloes, 8 Elks, 53 Bears, 20 Deer, 4 Wild Geese, about 150 Turkeys, besides small Game. We might have killed three times as much meat, if we had wanted it."

Doctor Walker did not find the fine, rolling, wooded plains of Central Kentucky. He missed them by the journey of only a day or two.

But if he had found the now famous Blue Grass lands they could not then have been utilized. The Ohio gateway had to be first opened by Dunmore's war; Braddock must make his unfortunate expedition; the French and Indian war had to be fought; Pontiac had to appear and his Conspiracy had to burn down to white ashes; and the final predominance of England had to be established before Kentucky could be fashioned from the wilderness and begin that brilliant course which was to blaze the way for government for the people and by the people in America.



## CHAPTER VI

### EXPLORATION OF KENTUCKY BY CHRISTOPHER GIST

The Ohio Company was organized in 1748 for the purpose of colonizing lands on the Ohio belonging to the Colony of Virginia. The members of the company were Arthur Dobbs, Esqr., John Hanbury, Samuel Smith, James Wardrop, Capel Hanbury, Robert Dinwiddie, Esqr., The Exec. of Thomas Lee, late President and Governor of Virginia, 2 shares, John Taylor, Esqr., Prestly Thornton, Esqr., Exrs of Lawce Washington, Augusne Washington, Richard Lee, Nathel Chapman, Jacob Giles, Thomas Cresap, John Mercer, James Scott, Robert Carter, George Mason.<sup>1</sup>

The company was granted 200,000 acres of land. This land was to be located on the south side of the Ohio River between Kiskiminitis Creek and Buffalo Creek, and on the north side of the Ohio between Yellow Creek and Cross Creek. This manner of grant would place an English settlement across the Ohio River at that point where the valley widens out, and which the Delawares designated as the true head of the Ohio Valley. For the land was given with the condition that the company should settle 100 families thereon within seven years, and also erect and maintain an adequate fort. If these conditions were complied with, the company was to become entitled to 300,000 acres of additional adjoining land.

In preparation for the compliance with the terms of the grant, the company erected a large storehouse, and perhaps other buildings opposite the mouth of Will's Creek, now the City of Cumberland, Maryland.<sup>2</sup> From this point it caused a road to be opened to the Turkey Foot, as the point at the three forks of the Youghiogheny was called. This road was completed in 1751. A large quantity of merchandise, suitable for the frontier trade, was sent over from England in 1749-50 and placed in the storehouse at the mouth of Will's Creek.

In the further pursuance of its engagements the company employed Christopher Gist to make an exploration of the country in which the opera-

<sup>1</sup> John Hanbury and Capel Hanbury were merchants in the City of London. John Taylor, Prestly Thornton, Philip Ludwell Lee, Thomas Lee, Richard Lee, Guwin Corbin, John Mercer, George Mason, Lawrence Washington, Augustus Washington, Nathaniel Chapman, Esquires, and James Scott Clerk, were all of the Colony of Virginia. James Wardrop, Jacob Giles and Thomas Cresap, Esquires, were of the Province of Maryland. All were prominent in the public affairs of their time. *Christopher Gist's Journals*, Darlington, pp. 225, 235.

<sup>2</sup> The Ohio Company's storehouse stood on the south bank of the Potomac, directly opposite to the present City of Cumberland, Maryland, in Frederick (now Hampshire) County, Virginia. It was built in the year 1750, by Hugh Parker, the factor of the company, on land purchased for them from Lord Fairfax by Parker and Col. Thomas Cresap. The main building was constructed of timber, a double house and two stories in height; it stood on the bank, a short distance east of the present residence of Captain Perry, fronting and near the river. The name of "Caicutuck or Wills' Creek" first appeared on Fry & Jefferson's Map of Virginia and Maryland, 1751. It is accurately laid down, but not named, on Mayo's Map of the Survey of the Potomac in 1736. The gap in the Allegheny Mountains is four miles west of Cumberland, where the Baltimore & Ohio Railroad crosses the National Road at "Braddock's Run," as the southwest fork of Wills' Creek has been called since 1755; Braddock's route and the National Road as at first constructed being on the same track as that of Gist. *Christopher Gist's Journals*, Darlington, p. 137.

tion of its enterprise was to be conducted. Gist was a surveyor, as his father, Richard, had been. He was a native of Maryland, "a man of excellent character, energetic, fearless and a thorough woodsman."<sup>8</sup>

The instructions to Gist were brief and of general application, and were of the date of September 11, 1750. They are here given:

"You are to go out as soon as possible to the Westward of the great Mountains, and carry with you such a Number of Men, as You think necessary, in Order to search out and discover the Lands upon the River Ohio, & other adjoining Branches of the Mississippi down as low as the great Falls thereof: You are particularly to observe the Ways & Passes thro all the Mountains you cross, & take an exact Account of the Soil, Quality, & Product of the Land, and the Wideness and Deepness of the Rivers, & the several Falls belonging to them, together with the Courses & Bearings of the Rivers & Mountains as near as you conveniently can: You are also to observe what Nations of Indians inhabit there, their Strength & Numbers, who they trade with, & in what Commodities they deal.

When you find a large Quantity of good, level Land, such as you think will suit the Company, You are to measure the Breadth of it, in three or four different Places, & take the Courses of the River and Mountains on which it binds it Order to judge the Quantity: You are to fix the Beginning & Bounds in such a Manner that they may be easily found again by your Description; the nearer in the Land lies, the better, provided it be good & level, but we had rather go quite down the Mississippi than take mean broken Land. After finding a large Body of good level Land, you are not to stop, but proceed farther, as low as the Falls of the Ohio, that We may be informed of that Navigation; And You are to take an exact Account of all the large Bodies of good level Land, in the same Manner as above directed, that the Company may the better judge where it will be most convenient for them to take their Land.

You are to note all the Bodies of good Land as you go along, tho

<sup>8</sup> Gist was living on the Yadkin River, in North Carolina, when employed by the Ohio Company to make this exploration. The following sketch of Christopher Gist was written by William M. Darlington, and is to be found in his edition of *Christopher Gist's Journals*, at pages 88-89: Christopher Gist was of English descent. His grandfather was Christopher Gist, who died in Baltimore County in 1691. His grandmother was Edith Cromwell. They had one child, Richard, who was surveyor of the Western Shore and was one of the commissioners for laying off the town of Baltimore. In 1705 he married Zipporah Murray, and Christopher was one of three sons. He was a resident of North Carolina when first employed by the Ohio Company. He married Sarah Howard. He had three sons, Nathaniel, Richard and Thomas, and two daughters, Anne and Violette. Nathaniel was the only son that married. With his sons, Nathaniel and Thomas, he was with Braddock on his fatal field of battle. Urged by bribes and the promise of rewards, two Indians were persuaded to go out on a scouting expedition. As soon as they were gone, Christopher Gist, the general's guide, was dispatched on the same errand. On the 6th both Indians and Gist rejoined the army, having been within half a mile of the fort. Their reports were favorable and the army advanced. After Braddock's defeat he raised a company of scouts in Virginia and Maryland and did service on the frontier, being then called Captain Gist.

In 1756 he went to the Carolinas to enlist Cherokee Indians for the English service. For a time he served as Indian agent. He died in the summer of 1759, of smallpox, in South Carolina or Georgia. Richard Gist was killed in the battle of King's Mountain. Thomas lived on the plantation. Anne lived with him until his death, when she joined her brother Nathaniel in Kentucky. Nathaniel was a colonel in the Virginia Line, during the Revolutionary war, and afterwards removed to Kentucky, where he died early in the present century. He left two sons, Henry Clay and Thomas Cecil. His eldest daughter, Sarah, married the Hon. Jesse Bledsoe, United States senator from Kentucky. His grandson, B. Gratz Brown, was the democratic candidate for vice-president in 1872. The second daughter of Colonel Gist married Col. Nathaniel Hart, a brother of Mrs. Henry Clay. The third daughter married Doctor Boswell, of Lexington, Kentucky. The fourth married Francis P. Blair, and they were the parents of Montgomery Blair and Francis P. Blair. The fifth married Benjamin Gratz, of Lexington, Kentucky.

there is not a sufficient Quantity for the Company's Grant, but You need not be so particular in the Mensuration of that, as in the larger Bodies of Land.

You are to draw as good a Plan as you can of the Country You pass thro: You are to take an exact and particular Journal of all your Proceedings, and make a true Report thereof to the Ohio Company."<sup>4</sup>

What number of attendants Gist took with him does not precisely appear from his Journals. He probably had a light equipment—perhaps a packhorse for his baggage and some one to drive and care for it. For a time, in what is now Ohio, he had as assistants George Croghan and Andrew Montour. He set out from the house of Col. Thomas Cresap on the 31st of October, 1750. Col. Thomas Cresap lived at Old Town, a former Shawnee Indian village, on the north side of the Potomac, fifteen miles southeast of Cumberland, in Allegheny County, Maryland. Gist followed "an old Indian Path," and made eleven miles the first day. This "old Indian Path" was the Warrior's Path from the east up the Potomac to the Ohio Country. It followed the east base of Great Warrior Mountain. At Bedford, Pennsylvania, it branched into two roads, one leading northwest to Venango, and the other to Shannopin's Town, now Pittsburgh. The latter was followed by Gist, and he reached Shannopin's Town on the 19th of November, and of which he recorded "—a small Indian Town of the Delawares called Shannopin on the S E Side of the River Ohio, where We rested and got Corn for our Horses."

Gist arrived at Loggs Town (Loggstown) on Sunday, the 25th of November. In modern geography, this point is on the north bank of the Ohio River and immediately below the present Town of Economy. It is eighteen miles below Pittsburgh, and in Beaver County, Pennsylvania. It was originally a Shawnee town. The Shawnees left the Upper Potomac and Eastern Pennsylvania in 1727 to 1730, settling at this point and elsewhere in the Ohio Valley with the consent of the Iroquois and the permission of the Wyandots. The French erected for them some forty houses at Loggstown. These accommodated about 120 Shawnese families. It was first visited by whites from the English colonies in 1748. In that year Conrad Weiser and William Franklin were there. Capt. Bien-ville de Celeron, in command of a French party, was at this town in 1749. George Croghan had a Trading House there. Washington and Gist stopped there five days in 1753 when they were on the way to the French forces at Venango and Le Boeuf. The Shawnees began to desert the town before 1750 and move lower down the Ohio. Then came into that part of the country those renegade Indians from the Iroquoian tribes of New York who found a designation in going back to the generic name of *Mengwe*, which was corrupted to "Mingo" by the whites. They were principally Cayugas, and they lived along this part of the Ohio for many years.

Gist was ill received at Loggstown. He found "scarce any Body but a parcel of reprobate Indian Traders, the Chiefs of the Indians being out a hunting." Gist was told that he would never get safe home again, and to protect himself gave it out that he was on the King's business. This brought him respect and probably saved his life. He was desirous of engaging George Croghan and Andrew Montour to go with him from that point, but found that they had gone on west on a mission for the Colony of Pennsylvania. On Monday, the 26th, he left Loggstown, preferring the woods to such company as he found there. He left the river and traveled across the country. Six miles out, at Big Beaver Creek, he met Barney Curran, a trader of the Ohio Company, and they went on together. On the 14th of December they arrived at Muskingum, a Wyandot town of about 100 families. He called the Wyandots the Little Min-

<sup>4</sup> Christopher Gist's Journals, Darlington, pp. 31, 32.

goes. The Wyandots were usually in the French interests, but this town inclined to the English, and George Croghan had a Trading House there over which Gist found floating the English colors. This town stood on the Tuscarawas which is a branch of the Muskingum. The Wyandots abandoned the town upon the fall of Fort DeQuesne, in 1758, or very soon thereafter.

Gist acquainted George Croghan and Andrew Montour with the nature of his mission on the 18th, with which they were pleased. It was the intention of Gist to read prayers on Christmas day, and after some delay a number of the inhabitants assembled to hear him. He delivered a brief discourse, which he recorded in his Journal, and, later, read them probably some service from the Prayer Book of the Episcopal Church. His course was so pleasing to the Indians that they desired him to baptize their children, thinking him a clergyman. The next day there occurred in the village one of those instances of Indian ferocity so common in the Indian country in pioneer times. A woman was a prisoner to the Wyandots, captured many years before. She had not become reconciled to savage life and made an attempt to escape. She was recaptured and had been brought into the town on Christmas Eve. Christmas passed, they turned their attention to her execution. She was taken beyond the town and released. When she ran in a new hope of escape she was pursued by men set for that purpose. When they came up with her they struck her, knocking her down. She fell with her face down, and they then shot her in the back with arrows, or "darts" as Gist has it. These went through her heart. When dead, she was scalped and her head cut off. All were forbidden to touch the body. In the evening Barney Curran sought permission to bury her. This was granted. Her grave was filled at dusk, and her troubles and sufferings as a captive in a barbarous Indian town happily at an end.

At this Wyandot town Gist secured intelligence of general conditions in the Indian country north of the Ohio. On the 4th of January one Teafe, an Indian trader, came in from the villages on the south shore of Lake Erie. He said the Wyandots there advised him to keep clear of the Ottawas, as they were completely committed to the French, who had set up claims to all the country drained by the waters flowing into the Great Lake and to the Ohio Valley. The Ottawas said that no English had right to come into any part of this country so claimed by the French. The portion of the Wyandot tribe living on the lake waters would soon join their brethren on the Muskingum, where a large town and strong fort would be erected. On the 9th two traders came in from the Twigtwee towns and told that an English trader had been taken by the French. Three French soldiers had deserted to the English at the Pickwaylines town. The Indians desired to put the French soldiers to death, but were prevented by the English, who were sending the prisoners to the Wyandot town on the Muskingum. On the 11th an Indian came in from the lake towns and confirmed what had been told of all these matters.

Gist began his preparations to leave the Wyandot town on the 12th of January. He sent his company away to the Lower Shawnee towns at the mouth of the Scioto. He went to a council held at the chief's house, but as some of the principal men were absent the council was postponed. It was in session again on the 14th. Andrew Montour acted as interpreter and speaker. He informed the council that the King had sent the Indians a present of much goods. These goods had arrived safely and the Indians were invited to come and see the governor of Virginia and receive the presents. The Indians said they would notify all the nations and that all would be present to receive the goods in the spring. After shaking hands with the members of the council, Gist took his leave of the Wyandots on the Muskingum. He set out for the Shawnee towns on the 15th, reaching White Woman's Creek, where there was a small town. This creek was so

named for a white woman who had been captured in New England forty years before when she was ten years old. Her name was Mary Harris. She had an Indian husband and several children. She remembered that the people of New England had been very religious, and she wondered at the wickedness of the white men in the forests of the Ohio Country. Gist and his company came to a small Delaware town on the east side of the Scioto on the 27th. The Delawares were friendly to the English, and the chief of this town entertained Gist as best he could. He owned a negro man—a slave—whom he directed to feed the horses of the party well. On the 28th a council was held with these Delawares, who were the most westerly of their people—no Delawares lived beyond them. The chief said he could gather a force of about 500 warriors, all of whom would stand by the English. Many Delawares were scattered among the other tribes, especially the Six Nations, of whom they had permission to hunt on their lands. On the 29th of January, 1751, Gist reached the Shawnee towns at the mouth of the Scioto. Guns were fired to notify the traders of their approach and they soon appeared and ferried them over the Scioto, the town being on the west side of the river. The town had about 100 houses there on the north bank of the Ohio, and about forty houses on the south side in what is now Kentucky. There was a council-house about 90 feet long, covered with bark. It was into this council-house that Mrs. Mary Ingles and other captives were taken on their arrival as prisoners in 1755. Gist found the Shawnees friendly to the English who had once protected them from the fury of the Iroquois.

On the 30th of January a council was held with the Shawnees. George Croghan delivered sundry speeches sent out by the governor of Pennsylvania to the chiefs of the Shawnees. He recounted information received at the Wyandot town—that the French would pay a large sum of money to any person or party who would bring in himself and Andrew Montour as prisoners or who would produce their scalps. He advised the Shawnees to keep their warriors at home until it was known what the French would do in the spring. Andrew Montour then told the council of the gift of goods the King had sent to his children on the Ohio, and invited the Shawnees to come and receive their portion. The Shawnee speaker was Big Hannaoa, who took Montour's hand and assured him of the friendship of the Shawnees for the English. He said he hoped that this friendship would continue as long as the sun should shine.

Gist remained in the Shawnee town from January 31 to February 11, 1751. On the 12th of February he set out for the Twigtwee town on the Miami. He left his attendant to take care of the horses in his absence, secured a fresh horse to ride, and with George Croghan, Andrew Montour, Robert Kallandar, and a servant to carry provisions, he rode northwest into the Ohio Wilderness. He arrived at the Twigtwee town on the 17th, computing the distance at 150 miles. The country passed over he describes as delightful. It was full of natural meadows covered with clover, wild rye, and blue grass. Clear streams were always to be seen. The timber was large and composed of ash, walnut, cherry, and sugar-trees. Game was plentiful, and buffalo, elk, deer, and wild turkeys were in sight much of the time.

The town of the Twigtwees was on the west side of the Big Miami, on the south side of Laramie's Creek, which empties there. It was in what is now Miami County, Ohio, and some two and a half miles north of Piqua, Ohio. The Twigtwees, or Miami's as they were called by the French, were a part of the confederation known as the Illinois Indians—Piankashaws, Weas, Peorias, and other tribes. They were inferior in intelligence and courage to the Iroquois, the Delawares, and the Shawnees. They had shared in the common ruin of the Illinois Indians inflicted by the Iroquois in 1650-1700, and they were now on the Miami as tenants at will of the Six Nations. Gist got an exaggerated and erroneous im-

pression of their prowess, numbers and importance. He remained at the Twigtwee town until Saturday, the 2d of March, and his accounts of the various councils and the daily occurrences of Indian life as he saw it there are extremely interesting and valuable. He secured a good knowledge of the intrigues of the French with the savages and of general conditions in the Indian country. There was uneasiness and agitation in those wilds and war between some of the tribes and between the French and English resulted in five years. In this war the French were the aggressors, but in the end they lost their American possessions to the English.

On the 2d of March Gist and his company left the Twigtwee town, crossed to the east bank of the river, and traveled some thirty-five miles to Mad Creek. Sunday morning, the 3d, the company separated, Gist continuing on to the Shawnee town at the mouth of the Scioto, and Croghan and the others, for Hockhocking. Gist was alone, and as he had been threatened by the French at the Twigtwee village, he turned out of the usual path and went down the Little Miami. This increased the distance he would have to travel, but he believed it the safer course. After a most delightful journey, he reached the Shawnee town on the 8th of March. There he was gladly received by both the whites and the Indians. His report that his mission to the Twigtwees had been entirely successful for the English interest and had defeated the intrigues of the French caused rejoicing in the town of the Shawnees. Peace had been secured with the Twigtwees and their allies—or, rather, its continuance assured—and in honor of this achievement 150 guns were fired. A Mingo chief was in the Shawnee town. He had lately returned from the Falls of the Ohio. On the 9th he informed Gist that a party of French Indians were there and that if he ventured to go so far down the Ohio he would certainly lose his life. But Gist's instructions made it necessary for him to go there, and he resolved to make the effort and go at least as far as possible. He got his horses across the Ohio very early on the morning of the 12th, and after breakfast he and his boy or attendant were taken over in a boat or canoe. He stood there and then for the first time on the soil of what was to be Kentucky. He remained in the Shawnee town on the Kentucky side, until the 13th, when he started for the Falls of the Ohio. He must have followed some well defined road, going down the river eight miles then turning south. After making ten miles on this latter course he met three men he was expecting to see in that country. On the east bank of the Big Miami opposite the Twigtwee town, he had stopped over night with one Robert Smith, who had given him an order on two of his traders for two teeth of the mastodon, the bones of which lay about the lick later known as the Big Bone Lick in what is now Boone County, Kentucky. With these two men was one Hugh Crawford. They gave the two teeth to Gist as directed, and he delivered one of them to the Ohio Company. In his Journal he records what Smith had told him of the bones at the lick. As Smith had been at the lick and examined the bones, his statement of what he had seen is good evidence, and is given here as set down by Gist:

"Robert Smith informed Me that about seven Years ago these Teeth and Bones of three large Beasts (one of which was somewhat smaller than the other two) were found in a salt Lick or Spring upon a small Creek which runs into the S Side of the Ohio, about 15 M. below the Mouth of the great Miamie River, and 20 above the Falls of the Ohio—He assured Me that the Rib Bones of the largest of these Beasts were eleven Feet long, and the Skull Bone six feet wide, across the Forehead, & the other Bones in Proportion; and that there were several Teeth there, some of which he called Horns, and said they were upwards of five Feet long, and as much as a Man could well carry: that he had hid one in a Branch at some Distance from the Place, lest the French Indians should carry it away—The Tooth which I brought in for the Ohio Company, was a

Jaw Tooth of better than four Pounds Weight; it appeared to be the furthest Tooth in the Jaw, and looked like fine Ivory when the outside was scraped off."

This same day Gist met four Shawnee Indians coming up the Ohio River in canoes. They informed him that about sixty French Indians were encamped at the Falls. This was disturbing intelligence, but Gist continued in the direction of the Falls until the 18th, when he was on a stream he calls Lower Salt Lick Creek (probably Floyd's Fork of Salt River), which had been described to him by Robert Smith at his house at the town of the Twigtwees as being about fifteen miles above the Falls. He heard several guns fired in the woods, which made him believe that the French Indians were hunting in the adjacent forests. He saw plainly marked footprints on the ground about him. Newly-set traps for the capture of game were also seen by him along the trail. These evidences of the presence of hostile Indians in close proximity changed his resolution to reach the Falls. He thought to leave his equipment and the boy at this point and go privately to the Falls. To this course the boy strongly objected, as there was danger of his presence there being detected. So, Gist was compelled to change his course and disregard his instructions to visit the Falls. It was with much regret that he did this, and wrote in his Journal what information he had been able to secure concerning this obstruction of the Ohio.<sup>5</sup>

It is difficult to locate the point which Gist had reached on the 18th of March. Johnston, in his edition of Gist's Journals, makes it the Licking River. It is quite evident, however, that Gist had already crossed both the Licking and the Kentucky rivers. Darlington makes out that Gist was at the present site of Washington, Mason County, on the 14th, and that he crossed the Licking at the Lower Blue Lick on the 15th. An old and well-marked trail—much used at that time—led from the Ohio River to the Lower Blue Lick, and Gist had probably followed it. On the 16th he reached the Kentucky River near Frankfort. This would have taken him through Harrison, Nicholas, Scott, and Franklin counties. The Salt Lick which he found on the 18th was that called Bullitt's Lick later, on Floyd's Fork of Salt River, in the present Bullitt County, near Shepherdville, and about eighteen miles from Louisville. From this point he turned back and began the journey through the Kentucky wilderness to his own home on the Yadkin. On the 19th he crossed a number of creeks flowing to the southwest, and these are identified as Bullskin Creek, Gist's Creek, and other tributaries of Brashear's Creek, in what is now Shelby County. He reached the Kentucky River at a point only a little above that at which he had crossed it a few days before as he was going West, and probably only a little above the present City of Frankfort. He called it the Little Cuttawa, and was always under the impression that the "Great Cuttawa" River was much more to the west. "Cuttawa" is a corruption of the Indian name *Catawba*, and the river was often so called by early explorers for the reason that the Great Warrior's Path from the country of the Northern tribes to the country of the Catawbias, in the Carolinas, passed up its North Fork. But the name did not prevail.

<sup>5</sup> Of this matter Gist wrote in his Journal: "This Day We heard several Guns which made me imagine the French Indians were not moved, but were still hunting, and firing thereabouts: We also saw some Traps newly set, and the Footsteps of some Indians plain on the Ground as if they had been there the Day before—I was now much troubled that I could not comply with my Instructions, & was once more resolved to leave the Boy and Horses, and to go privately on Foot to view the Falls; but the Boy being a poor Hunter, was afraid he would starve if I was long from him, and there was also great Danger lest the French Indians should come upon our Horses Tracts, or hear their Bells, and as I had seen good Land enough, I thought perhaps I might be blamed for venturing so far, in such dangerous Times, so I concluded not to go to the Falls; but travell'd away to the Southward till We were over the little Cuttaway River." *Christopher Gist's Journals*, Darlington, p. 58.

Some writers have professed to see in the corruption "Cuttawa" the original of the name Kentucky—an impossibility.

After crossing the Kentucky at a point where there was a small island, Gist pursued a fairly direct southeastwardly course to the present Pound Gap. He recorded that much of the way was extremely rough. And the laurel and ivy which had so greatly troubled Dr. Thomas Walker he often found an impediment to his progress. He saw evidences of bituminous coal all through the coal measures of Kentucky. He passed through Fayette and Woodford counties. On the 21st of March, in what is now Clark County, he found some shining stones which exuded a secretion like borax—probably iron pyrites. This was on the Kentucky River about the mouth of Red River, where the counties of Estill, Clark and Madison corner. And Darlington adds that this was the point reached by Daniel Boone on his first visit to Kentucky in 1769, eighteen years after the exploration of Gist.

From this point he followed the North Fork of the Kentucky River through the territory now embraced in Lee, Perry and Letcher counties. On the first day of April he crossed through the gap now known as Pound Gap and so was out of that delightful land later to be known as Kentucky. That he had been mistaken as to the stream which he was on and which he called the "Little Cuttawa" was proven by his arriving at the Pound Gap by following it. No stream but the North Fork of the Kentucky River would have led him to this gap. There were many misapprehensions as to names of rivers, mountains and localities in Gist's time and even later. In George Croghan's Journal is this entry: "passed the mouth of the river Kentucky or Holsten's River." He must have meant the Holston, and he must have supposed the Holston to be one of the head branches of the Kentucky River.

Gist continued on his way and arrived at his home on the Yadkin on the 18th day of May, 1751. Of the location of Gist's home Darlington says: "On the north side of the Yadkin River, and on the west side of the stream marked Saw Mill Creek, near and west of Reddies River, near the present town of Wilkesbarre [Wilkesborro] in Wilkes County, North Carolina," and for confirmation cites Fry & Jefferson's Map of Virginia, 1751-55, and map engraved for Jefferson's "Notes on Virginia," and Price & Strothers State Map of North Carolina, 1808.

The line of Gist's exploration crossed that of Dr. Thomas Walker at or very near the Town of Irvine, county seat of Estill County, on the 22d day of March, 1751. Doctor Walker had crossed the Kentucky River there on the 22d day of May, 1750, ten months before the coming of Gist.

Gist's exploration carried him through Greenup, Lewis, Mason, Harrison, Nicholas, Bourbon, Scott, Franklin, Shelby, Woodford, Fayette, Estill, Lee, Breathitt, Perry, Knott and Letcher counties, as now constituted, in Kentucky.

The conditions in the Ohio Valley were unstable and changing rapidly. Gist recorded the evidences of these things. The Ohio Company was prevented by these uncertainties from realizing its objectives there, for by 1755 the smoldering fires burst into a wilderness of flame, with most of the tribes, at the instance of the French, to whom they had turned, carrying the torch and the scalping-knife into the border settlements of the English colonies.



CHAPTER VII  
MRS. MARY INGLES—THE FIRST WHITE WOMAN IN  
KENTUCKY

I

THE DRAPER FAMILY

Little is known of the Draper family before its arrival in Virginia. The Drapers were of that Scotch-Irish immigration that came to America principally by the ways of Charleston and Philadelphia. From these two ports this hardy and energetic people pressed into the wilderness and met again about the head waters of the New and the Holston. Many of them settled in this region. Later, they became pioneers of westward exploration, discovery, and settlement.

George Draper was probably born in County Donegal, Ireland. There he was married to Eleanor Hardin. Thousands of their countrymen were leaving their native land and seeking broader opportunities for themselves and their children in that haven for the persecuted and distressed, the British colonies in North America. Actuated by the same high motives, George Draper and his young wife embarked for America in 1729, and in due time arrived at Philadelphia.

They lived at the mouth of the Schuylkill for eleven years, and were blessed with two children, a son and a daughter, born, John in 1730, and Mary in 1732. During their residence in Philadelphia, information of the beauty and fertility of the Valley of the Shenandoah and the upper Valley of the James, was spread abroad; and many of the Scotch-Irish Presbyterians turned in the direction of these beautiful lands. Being moved by hope of still bettering their condition, the Drapers joined in the movement to the fertile valleys of Virginia, and settled in Pattonsburg in 1740.

About the year 1745 George Draper and others purchased from Col. James Patton and his associates tracts of land on the Great Divide between Staunton and New rivers. Draper had become an expert woodsman. He was probably the prime mover in this enterprise to settle the lands about the head of the Roanoke, and the location of the prospective settlement was called Draper's Meadows.

But George Draper fell a victim to the irresistible charms of this wilderness. In the year 1746 he and a number of others, among whom (it is said), were Adam and Jacob Harmon, Kasper Mansker (often written Casper Mansco), and Michael Steiner or Stoner, went on a hunting and exploring expedition to the head waters of the Clinch and Big Sandy rivers. They were attacked by a war-party of Shawnees, and George Draper and a young man named McGary were killed. This event postponed the removal to Draper's Meadows for two years.

II

THE INGLES FAMILY

William Ingles, who became the principal man of the Draper's Meadows settlement, was the son of Thomas Ingles. The following

account of Thomas Ingles and the Ingles family was written by Dr. John P. Hale, late of Charleston, West Virginia. Doctor Hale was the great-grandson of William and Mary (Draper) Ingles:

"Thomas Ingles, according to family tradition, was descended from a Scotch family, was born and reared in London, lived about 1730 to 1740, in Dublin, Ireland, was a large importing wholesale merchant, was wealthy, owned his own ships and traded with foreign countries, chiefly to the East Indies.

"Sir Walter Scott states that in the reign of James I, there was a Sir Thomas Inglis who lived and owned baronial estates on the border



HOUSE IN WHICH WILLIAM INGLES LIVED AT INGLES FERRY  
Built by Ingles After His Wife's Return from Captivity. [From Kodak View Taken  
by Reuben Gold Thwaites, Secretary Wisconsin State Historical  
Society and Given to William E. Connelley]

of England and Scotland. He was much annoyed by the raids and border forays of those days, and to escape them, exchanged his border estates called 'Branx-Holm,' with a Sir William Scott, ancestor of the late Sir Walter, and of the Dukes of Buckcleu, for his Barony of 'Muridestone,' in Lanarkshire, to which he removed for greater peace and security. Branx-Holm or Branksome, in Tiviotdale, on the Scottish border is still owned by the Dukes of Buckcleu. From the close similarity and possible original identity of the names—both very rare—and now only differing from *i* to *e* in the spelling, Thomas Ingles, of Dublin, may have descended from the Sir Thomas of 'Branx-Holm Hall,' but if so, the present Ingles family have no record or knowledge of it. They only

trace their line back to the Thomas Ingles of London, Dublin and America.

"There are two families in America who spell their names Inglis. The ancestors of one of them emigrated from Selkirk, Scotland, to New York. Descendants of the first still live in Canada, but while they spell their name Inglis, they pronounce it Ingles, and say it has always, within their knowledge, been so pronounced. The descendants of the Paisley family live in Philadelphia, Baltimore, South Carolina and Florida. These two families, descendants of the Ingles who came from London and Dublin and settled in Virginia, are the only families in America, so far as I know, who spell their names either Inglis or Ingles.

"In some revolution or political trouble occurring during the time of his residence in Dublin, Thomas Ingles took a prominent and active part, and happened not to be on the right, or rather, on the winning side, for the winning side is not always the right side, nor the right side the winning side.

"On the failure of the cause he had espoused, his property was confiscated, and he was lucky to escape with his life.

"He, with his three sons, William, Matthew and John—he being then a widower—came to America and located for a time in Pennsylvania, about Chambersburg.

"Just when they came and how long they remained there is not now accurately known, but in 1744, according to the tradition, Thomas Ingles and his eldest son, William, then a youth, made an excursion to the wilds of Southwest Virginia, penetrating the wilderness as far as New River.

"Of the details of this expedition no record has been preserved. On this trip they probably made the acquaintance of Colonel James Patton. \* \* \* It is also probable that the Ingleses, during the trip above mentioned, first made the acquaintance of the Drapers, then living at Pattonsburg, and whose after-history and fates were so closely connected and interblended with their own."

William Ingles established a ferry at the crossing of the New River, which became famous as the means by which the early settlers going to Kentucky by way of the Wilderness Road and through the Cumberland Gap crossed that stream.

When Montgomery County, Virginia, was organized, William Ingles was appointed sheriff by the first court ever held in the county, which was convened at Fort Chiswell on the 7th day of January, 1777. The court was organized by Col. William Preston, John Montgomery, Stephen Trigg, James McGavock and James McCorkle, justices. John Byrd was appointed clerk, and William Littlepage, deputy clerk.

### III

#### DRAPER'S MEADOWS

This part of Virginia contained park-like tracts of land which were very beautiful. The Virginians called them glades. The expedition of Gen. Abrahame Wood found growing in these glades "grass above a man's height." Scattered sparingly over them were clumps of short-boled, broad-headed oaks and beeches. On their borders always stood an almost impenetrable wall of living forest. In that location where the head waters of the Roanoke approaches nearest to the New River was one of these glades of large size. At this point was founded and established the first settlement of English-speaking folk made in the Ohio Valley, the first in the great Valley of the Mississippi. Dr. Thomas Walker made his first trip of exploration to the country west of the New River in search of lands suitable for settlement, in April, 1748. His associates, Col. James Patton, Col. John Buchanan, Col. James Wood

and Maj. Charles Campbell, were with him. A number of hunters who were also seeking location accompanied Doctor Walker's party.

When these hunters returned to Pattonsburg they brought glowing accounts of the country which they had seen. They believed there was little or no danger to be apprehended from the Indians. Those owning lands at Draper's Meadows prepared to settle on them at once. Just who composed this party of first settlers cannot now be certainly determined. The following named persons were members of the party:

Thomas Ingles, the leader of the party,	
William Ingles	} Sons of Thomas Ingles,
John Ingles	
Matthew Ingles	
Mrs. Eleanor Draper, widow of George Draper,	
John Draper, son of George Draper,	
Mary Draper, daughter of George Draper,	
Henry Leonard,	
James Burke.	

The buildings erected by them "stood upon the present sites of the Virginia Agricultural and Mechanical College, and 'Solitude,' the residence of the late Colonel Preston, near Blacksburg, now Montgomery County, Virginia."<sup>1</sup>

We know but little of the events of the settlement during the first years of its existence. The record of but one has been preserved: "In April, 1749, the house of Adam Harmon, one of the party, was raided by the Indians, and his furs and skins stolen. This was the first Indian depredation ever committed on the whites (English settlers) west of the Allegheny. The theft was reported by Henry Leonard to William Harbison, a Justice of the Peace for Augusta County."

There is another event which in all probability occurred in this year of 1749, although Doctor Hale places it in 1750. This was the marriage of William Ingles and Mary Draper.

Mary Draper was but seventeen at that time, but she was a well-grown girl, of perfect health. She was rather below the average size of the frontier women of her day, but still she was tall enough, of a fine figure, and she is said to have been possessed of a gracious manner. She was quiet and retiring in disposition, but she had that strength of character and tenacity of purpose characteristic of the Scotch-Irish. Doctor Hale says of her:

"Mary Draper, having no sister, had spent much of her time in her girlhood days with her only brother, in his outdoor avocations and sports. They played together, walked together, rode together. She could jump a fence or a ditch as readily as he; she could stand and jump straight up nearly as high as her head; she could stand on the ground beside her horse and leap into the saddle unaided; could stand on the floor and jump over a chair-back. It will soon be seen how invaluable to her such physical training was a few years later."

We cannot determine at this time the names of all those who lived at Draper's Meadows. Many more settlers were in its vicinity than we have record of. The following named persons probably had houses erected in or about the settlement: Col. James Patton, Mrs. George Draper, Casper Barrier, James Cull, Henry Leonard and William Ingles.

This was not the home of Colonel Patton, but as he and his associates still owned much land there, he had a house at Draper's Meadows and, it seems, was cultivating some of this land. William Ingles lived to the east on the Staunton, a little way distant, where he had a mill. It is perhaps certain that John Draper lived in the same house as his

<sup>1</sup> See Dr. Hale, in *Trans-Allegheny Pioneers*.

mother. He had married Elizabeth Robertson in 1745. Not much is known of Barrier, Cull or Leonard.

To William and Mary Ingles had been born two sons, Thomas, four, and George, two years of age. Mrs. Ingles was approaching her third period of maternity. To John and Elizabeth Draper had recently been born a child.

#### IV

#### THE INDIAN ATTACK

A change was in progress in the primeval forests of the West. The final contest for supremacy in the New World between the Briton and the Gaul was at hand. It was already agitating the Indians in every lodge and village in the Valley of the Ohio. But the settlers at Draper's Meadows believed themselves out of the direct path of the impending storm. Colonel Patton was an officer of Augusta County. He seems to have realized that steps of precaution were necessary, for he had but just brought to Draper's Meadows the supply of powder and lead apportioned by the county for its defense, and was still there when the attack was made.

On Tuesday, the 8th day of July, 1755, the day previous to that upon which the disastrous defeat of Braddock occurred, one of those gatherings of the people, so characteristic of frontier society, was in progress on the homestead of William Ingles. Most of the men of Draper's Meadows were gathered there to assist in harvesting a fine crop of wheat. The men carried their guns with them. But the guns were not taken to the harvest field; they were left at the Ingles house, and the reapers were unarmed.

While the men were at work in the field, the women were preparing a substantial feast for them. In the course of this work Mrs. John Draper had occasion to go from the house to the kitchen garden to procure some vegetables. There she saw several Indians skulking behind the garden fence. She screamed an alarm and, running into the house, exclaimed that Indians were about to attack them. She seized her infant and fled by the opposite door, hoping to escape; but there she was discovered and fired upon and her right arm shattered by a bullet. Her babe fell to the ground, but she seized it with her left hand and continued her flight. She was soon overtaken by two warriors, one of whom tore her child from her arms. She fought as best she could, but was wounded in the back with a tomahawk and overpowered. These savages led her back to the house, and when they arrived there the one having the child, taking hold of its feet, dashed out its brains against the end of one of the logs of the cabin and scalped it before her eyes.

The Indians had followed Mrs. Draper into the house. Before there was time to close the door they were yelling the war-whoop and swarming in. Colonel Patton had been writing. His broadsword, which he always carried, was lying on the table. He seized this and threw himself in front of the women and children, receiving the attack of the savages. He killed two of them and wounded others, and was almost succeeding in driving them from the house when he was shot and killed by some Indians beyond the reach of his sword. Mrs. George Draper was shot and Mrs. Ingles expected death. The chief, rather an old man, came forward and made her his captive and led her and her children from the house, which the savages soon looted and set on fire.

The men in the fields were startled by the war-cry. Turning in the direction whence it proceeded they saw the house of William Ingles in flames and surrounded by a band of Indians painted and decorated for war. They were about twenty-five in number and were whooping, yelp-

ing and running swiftly about. As the guns had been left at the house and were now in the hands of the savages, the settlers were powerless. They could render the helpless women and children no assistance.

When William Ingles realized the deadly peril in which his wife and children stood, he would not be restrained from going to their rescue, unarmed though he was. The other men remonstrated with him, and endeavored to show him the utter folly and madness of this action, but he did not heed them. He was near the house before he was seen by the Indians. When they discovered him, two of their number were directed to capture him. He was obliged to flee. Two of their swiftest young men were sent to pursue him. When he entered the woods, one of these young warriors ran on each side of his trail, at some distance from it, to prevent him from turning aside and eluding them. They gained rapidly on him, and he was soon convinced that in speed he was no match for them. He expected to be overtaken and slain, and a circumstance transpired soon after he entered the woods which heightened this expectation. He saw before him, and directly in his course, a fallen tree-trunk of great size. It was almost concealed by bushes, brambles and wild vines. He did not discover it until almost upon it, and too late to turn aside and avoid it. His only hope of passing it lay in clearing it at a single bound. This, by a mighty effort, he succeeded in doing, but when in the midst of his leap in the air directly over the log, his foot caught in a branch or vine, and he was thrown to the ground. He fell beside the log, and was so hemmed and bound by the thicket that he felt that he could not extricate himself before his pursuers would be upon him. He resigned himself to his fate and expected every moment that the Indians would be upon him. But they did not come. It was soon evident that they had not detected his fall. They ran on, and he escaped in another direction.

By this time the conflict was ended. The men left in the harvest field had departed for their own homes, fearful lest the Indians had visited them also. Other families were attacked by small bands of Indians sent out from the main body. Some were killed and others captured and carried away.

William Preston was at this time in Draper's Meadows with his uncle, Colonel Patton. The colonel had despatched him on an errand that morning, which saved his life. He became one of the foremost men of Virginia. In 1761 he married Miss Susanna Smith, of Staunton, the daughter of a widow who had at that time acquired the site of Draper's Meadows. From her hands it passed to Colonel Preston, who changed its name to Smithfield.

Colonel Preston's son, James Patton Preston, became governor of Virginia.

## V

### JOURNEY TO THE INDIAN TOWNS

The Indians found the arms of the settlers in the house of William Ingles and, learning from their captives the facts in relation to the same, correctly surmised that the men of the settlement could make no immediate pursuit. With great deliberation they secured the horses of the settlers and packed upon them the household goods plundered from the cabins before they set them on fire. They took all the guns belonging to the settlers and all the ammunition allotted to Draper's Meadows. When the horses had been loaded to their utmost capacity with food and the spoil of the settlement, the Indians set out on their return to the Ohio. They kept to the ridges, and their progress was slow. The prisoners were required to walk between guards. Notwithstanding her con-

dition, Mrs. Ingles was compelled to carry her youngest son. The other soon became fatigued and could not keep pace with even the slow march then being made by the Indians. Mrs. Ingles greatly feared that the savages would put her children to death in order that she might not be compelled by their presence to hinder the progress of the march. Mrs. Draper, although severely wounded and suffering much pain, took the younger child from the arms of Mrs. Ingles and carried him. Mrs. Ingles then took the older son upon her back and thus carried him until nightfall, when the Indians halted to camp. Here they were joined by other bands carrying plunder and prisoners, but they brought no children as captives. Hale has preserved the following incidents of the march of the first day:

"About half a mile or a mile to the west on their route they stopped at the house of Mr. Phillip Barger, an old and white-haired man, cut his head off, put it in a bag, and took it with them to the house of Phillip Lybrook, on Sinking Creek, where they left it, telling Mrs. Lybrook to look in the bag and she would find an acquaintance.

"Lybrook and Preston would probably have shared the same fate as Barger if they had been found at Lybrook's house, but they had started back to Draper's Meadows on foot by a near pathway across the mountains, and thus missed meeting the Indians and saved their lives."

The next morning the Indians were on their way before it was light. They traveled some miles before a stop was made to prepare a meal. Mrs. Ingles realized by the time of this stop that it would be impossible for her to longer bear up under the burden of her son, Thomas. The wounds of Mrs. Draper were becoming more painful. Mrs. Ingles was convinced that if some different arrangement could not be made for the conveyance of her children, she would soon see them murdered by the Indians. Her good judgment was sharpened in this emergency by her anxiety for the safety of her sons. When the halt was made, she set about the preparation of the best meal to be made from the material at hand. Her success was such that the Indians were pleased. When it was finished she assisted them to manage the packs. She went about the camp without restraint and, although fearful of violence, she concealed her feelings from the Indians. When they were ready to set out again, she asked the chief for permission to ride one of the horses. He permitted her to do so and to take up her children. She requested that Mrs. Draper be allowed to ride also, but this was refused and Mrs. Draper compelled to continue the march on foot. Mrs. Ingles grew in the good favor of the Indians from this time.

After Mrs. Ingles was permitted to mount the horse in the morning there was no further halt made that day. A camping place was selected and the camp for the night was made. Mrs. Ingles clambered down from her horse. She was so cramped from the position she had been compelled to maintain throughout the day without opportunity for change or relaxation that she was unable for some minutes to stand. Mrs. Draper was suffering much pain from her wounds. She was worn with the day's march and much fatigued. Indians on the march always waded across the streams that crossed their path; these had been many this day. The continued marching with wet feet had so scalded and blistered them that it was with pain and difficulty that Mrs. Draper could walk.

It developed on the following morning why the Indians had held to the march so steadily on this day. Before it was light they were carrying their spoil over the river in a canoe which had belonged to a settler whose deserted cabin stood in a small clearing upon the river bank. The captives were taken last; then an Indian mounted one of the horses and rode it into the stream. Two Indians drove the other horses into the river, where they followed the first horse to the opposite shore. The Indians themselves plunged into the stream and swam across.

After the crossing, without waiting for orders or even permission to do so, Mrs. Ingles began the preparation of a meal. She went about the camp with an air of unconcern. She did not pine nor brood over her troubles. She manifested indifference concerning her captivity. She believed such a course would be much more likely to gain the confidence of the Indians. When the march was commenced she again mounted her horse; this she did with a confident manner and as though it had been definitely determined that she was to ride the whole of the journey, and the Indians seemed to regard the matter in just this light, for they made no objection to her riding that day.

There was no cheerfulness in the heart of Mrs. Ingles. There was almost despair. She felt that her powers of endurance would soon be subjected to trial which she feared she could not survive. She knew that the hour was approaching—was in fact upon her. During this, the third night of her captivity, she gave birth to an infant daughter. Strong and hopeful as she was, she feared her case was now beyond endurance. How could she go on tomorrow? And if she could not go on, she knew what would be the consequences. In such cases the Indians do not wait. For their own women it is not necessary, and white women could not have more consideration than Indian women. Mrs. Ingles went on.

The Indian trail on the west side of the Great Kanawha ascended Paint Creek, crossed the Green Flat Top Mountain, and descended the Bluestone River to the New River. This route was followed by the Shawnees after they had crossed to the west side of the New River. When they again arrived at the Great Kanawha they crossed over to the east side for the purpose of manufacturing some salt to carry with them to their towns. This salt was made at the salt spring immediately above the mouth of Campbell's Creek.

During this halt Mrs. Ingles seems to have recovered entirely from the effects of her confinement. Mrs. Draper's arm was prevented from healing by the hot weather. It became inflamed to a fearful extent. At one time it threatened her life. Mrs. Ingles was permitted to go into the woods to search for herbs and roots from which to compound remedies to relieve her.

In her search for the plants she wished to use in her treatment of Mrs. Draper, Mrs. Ingles was compelled to go considerable distances into the woods. Her prompt return from these rambles caused the Indians to treat her with a greater degree of leniency and more consideration. Her whole demeanor during her captivity had been such as to meet with their approval. In a few days she was allowed to go and come at will. No day passed but that she could have escaped. Long and fierce were the struggles in her breast on this subject. She always left the Indian camp with the purpose of effecting her escape firmly fixed in her mind. But when alone in the woods reflection upon the sad plight of her children so aroused her maternal love that she wavered in her resolution to go away and leave them to the fury of the savages. Visions of the horrible fate that might befall them always brought her back to camp. Afterwards, when it was too late she reproached herself bitterly for not having availed herself of one of these opportunities to return to her home and friends.

The Indians remained at the salt spring more than two weeks. At the end of this period Mrs. Draper was much improved. The effect of the "medicine" upon her had raised Mrs. Ingles still higher in the estimation of the Indians. She came to have her own way in all things affecting herself and her children. And she was not denied a sort of negative authority in other matters. One instance of this was her putting Mrs. Draper on horseback when the march was resumed to the Indian villages. The chief did not consent but did not refuse when Mrs. Ingles said to him that Mrs. Draper must ride.



The Indians crossed the Ohio River at the mouth of the Kanawha. They seemed in no haste to get home. They loitered in the woods and by the stream. On the twenty-ninth day of the journey the Indians set up a horrible yell, the scalp halloo, which announced their arrival at their towns at the mouth of the Scioto.

## VI

## AT THE INDIAN TOWNS

The Indian villages stood upon both sides of the Ohio River. They were the famous Lower Towns of the Shawnees. On December 29th of that year they were visited by Christopher Gist, agent of the Ohio Company. He has left us this description of it:

"The Shannoah Town is situated upon both sides of the River Ohio, just below the mouth of Sciotoe Creek, and contains about 300 men. There are about 40 houses on the South side of the River and about 100 on the North side, with a kind of State-House of about 90 feet long with a light Cover of bark in which they hold their Councils."

Their Upper Town was thirty-nine miles above the mouth of the Great Kanawha, on the north side of the Ohio River. At that time they had other towns in what is now the State of Ohio.

The victorious scalp halloo of the returning warriors was immediately answered by a tumultuous uproar in the village. There issued forth to greet the victorious warriors and terrified captives a motley throng of warriors, squaws, children, and myriads of wolfish dogs. Warriors gave cry to the quavering war-whoop of the Shawnees, which no enemy can hear without feeling his flesh creep and his blood run cold. They brandished knives and tomahawks and fired their guns. Men too old for the chase and the war-path felt again the intoxication of swiftly coursing blood. Neglected and withered old hags, more cruel and blood-thirsty than the warriors, hideous from the contortions of rage, gave utterance to shrieks and howls more ferocious than those of the wolf or the panther.

The captives, helpless and ignorant of the fate which awaited them, quailed before this storm of Indian fury. Unaccustomed to such scenes and unfamiliar with such manifestations of anger, they believed the hour of death at hand. The fearful apprehensions of Mrs. Ingles were soon allayed. The good favor in which she stood with the Indians was her shield in this hour of peril. The chief informed her that she and her children were safe from present harm and that they would not be required to run the gauntlet. But this clemency and exemption extended no further. Her request that Mrs. Draper be spared this dangerous and cruel ceremony was denied. Mrs. Draper for herself would never have made the request. When ordered to begin the race to the council house she had recovered from her momentary confusion. Her eyes blazed defiance on the murderous rabble. At the word of the chief she sprang forward on the course between the lines and was immediately assailed by the merciless mob. Wounded as she was she fought fiercely. She snatched weapons from her assailants. She overthrew warriors, beat down squaws, and brushed aside youths and dogs. How she reached the council house she never remembered. When she arrived there she was suffering from many additional wounds, and her arm had been again broken.

On the third day after reaching the Indian towns the chiefs met in council to deliberate upon the disposition to be made of the captives. It was the policy of the Indian tribes to break family ties when such existed between their prisoners. This was the invariable custom of the Shawnees. From the Indian standpoint this was a wise provision. One

would sooner become reconciled to Indian life and interested in the welfare of the tribe when excluded from all but Indian society. In accordance with this custom, the captives were distributed to the different towns of the Shawnees.

When the council was concluded Mrs. Ingles was at once taken away from her children, and they were separated from one another. They were conveyed to distant towns, and the two younger lived but a short time. She became the adopted daughter of the chief. She was in despair when her children were carried away. She had clung to the hope that she might be permitted to keep them with her. Their loss was the severest blow she could have experienced. She might have reconciled herself in some degree to a life of captivity could she have retained her children. It was only the hope that she might be allowed to remain with them that had prevented her from escaping when at the salt spring on the Kanawha. After some days of hopeless despair her strong and vigorous mind rose above useless grief and pining. She decided to feign acquiescence in the decree of the council until the Indians were completely deceived, then make her escape.

The life of Mrs. Ingles was uneventful enough in the Shawnee village. She was required to carry wood from the forests, to cook food, and to work in the corn field. She sometimes went with the Indian women across the Ohio River into Kentucky. An event occurred early in September which served to break the monotony of the dull and slavish routine of her Indian life.

The Indian traders commenced active operations in their traffic and barter for furs in the month of September. They carried into the wilderness to their trading stations in the various Indian towns at this period of the year supplies of rum, beads, hatchets, knives, firearms, ammunition, gewgaws, gaudily colored cloth, blankets and other articles of Indian desire and necessity. The French traders arrived from Detroit with a large cargo of goods for Indian trade about the first of September. Among their effects were quantities of the brilliantly colored cloth so dear to the Indian heart. Mrs. Ingles procured a few yards of this cloth, and from it she made a long shirt or gown for her Indian father. The chief was much pleased with this addition to his wardrobe. He was so delighted with his new shirt that he arrayed himself in it and paraded the village to exhibit it. His new costume created a sensation. The traders were instantly besieged by the Indian warriors, each of whom desired to purchase a shirt similar to that of the chief. The Frenchmen could not supply them. They investigated the matter and examined the shirt. They at once besought Mrs. Ingles to make shirts to be sold to the Indians. But she did not consent to become the seamstress of the tribe until she was promised a remuneration.

When Mrs. Ingles completed a shirt for a warrior, one of the Frenchmen would hoist it upon a pole and carry it about the village by way of advertisement; he called attention to its beauties and cried aloud the accomplishments of the maker. It required about three weeks for her to make enough shirts to clothe the warriors of the village. At the end of that time she was regarded with something like affection by the warriors now clothed and ornamented in glaring and gorgeous shirts manufactured by her hand. In after life, when restored to her home and friends, she could not repress a sense of amusement when describing a gathering of her partisans arrayed in these shirts, which reached to their heels and which were all of the gaudy, discordant and inharmonious hues selected by the French traders to please their barbarous customers.

About this time it was determined that a party of the Indians should go to the Big Bone Licks in Kentucky to manufacture salt for their use

during the winter. The chief decided that Mrs. Ingles should go. She vigorously objected to being one of the party, as she was daily looking for an opportunity to escape. An old Dutch woman whom the Shawnees had in some way obtained from the Wyandots, who had captured her in Pennsylvania many years before, was one of the party.

## VII

### THE ESCAPE

The Big Bone Licks are in what is now Boone County, Kentucky, on Big Bone Creek. They are, by the Ohio River, about one hundred and sixty miles below the mouth of the Scioto River. They are some three miles from the river. They are so called from the great abundance of the bones of the mammoth found about them at the time of the early settlement of the country. Hundreds of the skeletons of these extinct animals have been taken from this locality.

Some twenty warriors, three Frenchmen, Mrs. Ingles and the old Dutch woman and a number of squaws and children made up the party that visited the licks. They went in canoes down the Ohio River, and the journey was a pleasant one. The banks of the Ohio were at that time tree-covered to the water's edge. The journey was made in the first days of October when the early frosts had just touched the forest foliage with the delicate tints and gorgeous colorings which can never be equaled by the artist's brush.

Mrs. Ingles had thought to await the return of the Indians to their towns at the mouth of the Scioto before attempting escape, but now made up her mind to escape at the first opportunity. She decided to try to enlist the old Dutch woman in her enterprise; her first efforts in this direction were not successful. She entertained little hope of regaining her liberty. For some days Mrs. Ingles mistook her apathy for indifference or treachery, but it seems she was only deliberating on the matter and debating in her mind. Her conclusion finally was to accompany Mrs. Ingles. Within a week she was impatient to set out, and the more enthusiastic and sanguine of the two but perhaps much less determined than Mrs. Ingles.

Their distance from the settlements and the difficulties to be encountered on the way to them must have rendered it improbable, in the judgment of the Indians, that the women would attempt to escape from this point. They were allowed to go and come almost at will; every vestige of restraint had disappeared.

Mrs. Ingles asked permission from her Indian father, the chief, to go in search of wild grapes. This permission was readily granted. The only preparation the women made for their journey was to get a blanket, a tomahawk and a large knife for each. They carried no food, as they feared that would cause suspicion. The tomahawk procured by Mrs. Ingles was not to her liking, and as she was starting she exchanged it with one of the Frenchmen, who was at the moment seated on a mammoth's skull on which he was cracking walnuts. They left the Licks some time in the afternoon determined to perform such a journey as has rarely been undertaken by the most experienced and accomplished woodsman. For days and weeks they were to be in constant danger of meeting roving bands of Indians, which at this season of the year filled the woods. Recapture meant death. To reach their friends they must pass for hundreds of miles through unbroken forests filled with fierce beasts and these savage men. This distance must be traversed on foot, and with only such food as could be obtained by the way without guns to kill game, and with no means of defense from man or beast save the knife and tomahawk. Danger and peril beyond comprehension

at this present time, but which they then keenly realized, menaced them every moment after they left the Indian camp at the Licks.

When they departed from the Licks, they went at once to the Ohio River and followed up that stream. When they came to the large streams falling into the Ohio from the south, having no means of crossing, they were compelled to follow up the course of these streams until a point was found where they could be crossed by wading. Or, as sometimes happened, a crossing could be effected on the great drift of logs and brushwood carried down by the floods and deposited in some sudden angle or bend in the river. They made little effort to procure food the first few days. The most dangerous part of their journey was the first 200 miles. This distance would carry them well beyond the Indian towns at the mouth of the Scioto. Their anxiety to pass this crucial point on their way in safety so absorbed their faculties that they did not so much realize their want of food.

On the sixth day of their flight, at nightfall, the women arrived in the vicinity of the Indian town on the south bank of the Ohio at the mouth of the Scioto River. Here were forty or fifty cabins, but all were not occupied by the Shawnees. Some of them had been long abandoned. Some families lived here, but Mrs. Ingles hoped that in this season of the year they would be scattered about the licks and other game resorts. She had sometimes crossed the Ohio from the Lower Town to visit the corn fields and was familiar with the village and acquainted with its inhabitants. The women could have evaded the town by a detour to the south, but it was necessary to procure some food, and, should the village prove to be deserted, here was the opportunity. They dreaded most the Indian dogs.

When night came on the women investigated the matter as best they could and concluded that there were no Indians in the village. They advanced from point to point and from cabin to cabin with much fear and great caution. After they had visited all the cabins and decided that the town was deserted, they entered a cabin and slept through the night. They had determined that if they were discovered they would say that they had become separated from the band at the Big Bone Licks and, not being able to find the camp, had returned home to the Indian towns.

On the following morning they found a horse near the corn fields and after some trouble caught him. This horse wore about his neck, fastened with a leather strap, a large bell. Mrs. Ingles thought it best to not remove this bell. They made a halter for him from strips torn from their blankets. They tied the corners of their blankets together and made two bags, which they filled with the ears of corn. These they packed on the horse to carry with them.

The corn which they obtained from the field at the Indian village was of great benefit to them. Want of food, their extraordinary exertions, their apprehension and anxiety had reduced their strength. The corn obtained here partially restored it. They were under the necessity of eating it raw, which they did after pounding it and cracking it to a kind of coarse hominy with their tomahawks. Fear of discovery by the Indians would have prevented their building a fire even if they had possessed the means to do so.

When Mrs. Ingles and her companion arrived at the mouth of the Big Sandy River they found that the stream was too deep to be crossed by wading and too deep for the horse to ford. They were compelled to turn up the river in search of a crossing place. They followed the west bank a part of two days. They finally found an immense drift of logs and river rubbish in the stream just below the present site of Louisa, Kentucky, and just below the forks of the river. It completely choked the river for some distance and the water flowed under it. On this drift

the women crossed with safety, but the horse broke through it and fell into the water below. They made every effort to get him out, but without success. Seeing that he would have to be abandoned, they set about the matter of saving his lading. But they had removed only a part of his load of corn when the current carried him under the drift. The old Dutch woman had, however, removed the bell from his neck. The women spent the night at this point. On the following morning they took upon their shoulders what corn they had recovered from the horse and carried it with them. As the Ohio River could be their only infallible guide in their search for the Kanawha they returned thither. Arriving at the Ohio they continued their weary ascent of that stream. They had been the greater part of four days on the Big Sandy River.

When their corn was exhausted their food consisted of wild grapes, black walnuts, butternuts, hickory-nuts, pawpaws, beech-nuts, acorns and chestnuts. When these could not be obtained, the old Dutch woman, who had been long in captivity and had learned from the Indians much about living in lean times, hunted in the woods for roots, the names of which she did not know, but which she had been taught by her captors to find and eat. They were emaciated from their long continued toil and from want of food, and their suffering was terrible. The old Dutch woman became at times partially insane. She was then possessed of the desire to murder Mrs. Ingles, whom she railed upon and regarded as responsible for all her misery. It was with great difficulty that Mrs. Ingles then soothed, quieted and overcame her.

## VIII

### THE RESCUE

When these lone wanderers arrived at the mouth of the Kanawha their condition was deplorable indeed. The weather was cold and disagreeable. Their shoes or moccasins were long worn completely out, and their feet were bare. The rough journey through briars, thorns, thick bushes and rough shrubs had almost destroyed their clothing and had fearfully torn and lacerated their feet and limbs. At times they believed it impossible that they could proceed further on their journey. Mrs. Ingles became bewildered at these times and reeled and stumbled from dizziness and loss of sight which sometimes lasted for hours. When she recovered from these attacks she was so weak as to be unable for a time to travel. The old Dutch woman was on the verge of madness and constantly threatened that she would kill and eat Mrs. Ingles. And still the sight of the Kanawha created joy in the heart of Mrs. Ingles. She rejoiced that so much of the journey was done. It cheered her to see the stream, on the waters of which dwelt her husband and friends.

The journey up the Kanawha was slow and painful. For some days the ground was covered with snow, and this prevented them from getting even wild nuts and acorns for food. The sun at length came out from beneath the leaden clouds in sufficient strength to melt the snow, but the condition of Mrs. Ingles was becoming desperate. It was with the greatest difficulty that she prevented the old Dutch woman from taking her life.

When the snow disappeared Mrs. Ingles found that she was making better progress than she could have hoped. Her feet and limbs were fearfully swollen and very painful by this time. She was sure that she was nearing her home, and in her anticipation of soon reaching that haven of rest and protection she momentarily became oblivious to the danger which was present, imminent and deadly. The old Dutch woman was now raving and frantic. She seized Mrs. Ingles and, flourishing her long knife aloft, said she must die. Mrs. Ingles expected death, but her

calmness and presence of mind did not forsake her. In order to gain a few moments' time in which to escape, she induced the old Dutch woman to agree to cast lots to determine which of them should die to save the other. But the lot fell upon her, and the old woman, thinking her right to Mrs. Ingles' life was now complete, again seized her. A desperate struggle ensued. The old woman was much the larger and stronger of the two, but Mrs. Ingles was much quicker and more active of movement. She finally broke away and fled along the bank of the river. She concealed herself, and in a short time had the satisfaction of hearing the old woman pass by and continue her course up the river. Mrs. Ingles did not emerge from her place of concealment until the moon was shining brightly. About ten o'clock at night she came upon the site of the camp made by the Indians who had carried her away immediately after they had crossed the New River. She knew that the Indians had left concealed there the canoe in which she had been brought over the river. She made search for the canoe and found it drawn high upon the bank and full of leaves and water from recent rains and melted snows. After her experience with the insane woman on this day she wished to be entirely separated from her. She believed that her only safety lay in getting the river between herself and her companion.

Mrs. Ingles turned the canoe upon its side and quickly cleared it of rubbish. She could find no paddle with which to propel it, but she procured as a substitute a broad, thin splinter from a storm-riven tree. Although the canoe was a small one, the task of getting it into the water was almost too great for the little strength she had remaining. She often despaired of doing so at all, but the thought that her crazed companion might find her caused her to renew her efforts, which were finally rewarded by the canoe's sliding into the river. She was soon upon the opposite bank and safe from her crazy companion's fury.

Mrs. Ingles made her way to the deserted cabin in the little clearing. in this she spent the night. As soon as it was light on the following morning she began a search for something to eat. She found that corn had been planted in the field the previous spring, but that buffaloes had broken down the inclosures and destroyed the crops. When about to give up the search and proceed on her way she found growing in a fence corner two small turnips and a large bunch of kale which had escaped the ravages of the wild animals. These furnished her a much better breakfast than she had tasted for weeks.

After breakfast Mrs. Ingles returned to the river to continue her journey. She was immediately seen from the opposite bank of the river by the old woman, who begged to be carried over the river also. She assured Mrs. Ingles that she would treat her well and not attack her again. Mrs. Ingles refused to assist her across and told her to follow her up the bank of the river, which she unwillingly did.

The remainder of the journey of Mrs. Ingles is well told by Doctor Hale. Nothing can be added to it, and it is given here entire:

"From the best reckoning Mrs. Ingles could make, she concluded that she must now be within about thirty miles of her home, but much of the remainder of the way was extremely rough, the weather was growing colder and, worse than all, her physical exhaustion was now so extreme that it seemed impossible that she could continue the struggle much longer. She feared that after all she had suffered and borne she would at last have to succumb to hunger, exposure and fatigue and perish in the wilderness alone.

"As her physical strength waned, however, her strong will power bore her up and on and hope sustained her as wearily and painfully she made mile after mile, eating what she could find in the forest, if anything; sleeping when and where she could, if at all.

"She had passed up through the 'New River Narrows,' the great rift where New River had cut its way through the solid 'Peter's Mountain' (so named at the eastern end for Peter Wright, a famous old hunter and pioneer, but here named after a pioneer family named Peters). It is one of the wildest scenes in the state. She had passed the butte of Wolf Mountain and the mouth of Wolf Creek. Near here Peterstown, on the east side, had since been built. She had passed near the present site of Giles C. H., and nearly under the shadows of the towering 'Angel's Rest' Mountain, on the west side (so called by General Cloyd), 4,000 feet high, with its rock-ribbed sides and castellated towers, said to strongly resemble Mount Sinai, but it brought no rest nor peace to her.

"She had passed the cliff near Giles C. H., had crawled around or over the huge cliffs just below the mouth of Stony Creek. She had by some means gotten beyond that grand wall of cliff jutting into the river for two miles, extending from opposite Walker's Creek to Doe Creek, and, two miles above this, another seemingly impassable cliff had been scaled. She had gotten about two miles beyond these last named cliffs and was near the base of the 'Salt Pond Mountain,' with its beautiful lake near its summit, 4,000 feet above tide and one of the greatest natural curiosities of the state; but her mind was not occupied with the grandeur of the scenery nor the beauty of these then nameless localities she was passing; she only knew that each one passed put her that much nearer home—sweet home.

"Night was approaching; snow had fallen and it was bitterly cold (it was now about the last of November). Just before her she was confronted by still another gigantic cliff, hundreds of feet high, the base in the water and the crown overhanging. At last her progress seemed utterly barred; there were no ledges, no shelving rocks, no footholds of any kind to climb around on. The only chance left it seemed was to wade around the base, as she had done in other cases. This she tried, but found that, to her, it was an unfathomable gulf.

"Her heart sank within her; night was now upon her; cold before, she was now wet and colder still. She had nothing to eat; she could find no soft couch of leaves, no friendly cave or hollow log.

"In despair she threw herself down on the bare ground and rocks, and there lay in that pitiable condition, more dead than alive, until next morning.

"With the dawning of the day there was a feeble revival of hope—for while we live we will hope. She thought of the only possible remaining way of passing this gigantic barrier; this was to climb over the top of it, but in attempting to rise she found that her limbs were so stiff and swollen and sore from the wet, cold and exposure that she could scarcely stand, much less walk or climb. Still there was no choice; if she could she must, so again she tried.

"Slowly, as the effort and exercise relieved her somewhat from the paralyzing chill, she wound her devious, tedious and painful way, hour after hour, getting a little higher and a little higher, so feeble and faint from hunger, such soreness and pain from her lacerated feet and swollen limbs that from time to time she looked down from her dizzy heights almost tempted from sheer exhaustion and suffering to let go and tumble down to sudden relief and everlasting rest.

"Climbing and resting, resting and climbing, she at last reached the summit, and the day was far spent.

"While resting here, her thoughts had wandered on up the river to her home and friends. She knew that she must now be within twelve or fifteen miles of that home. 'So near and yet so far.' If she had strength how quickly she would fly to it; but, alas, in her now desperate and deplorable condition the chance of reaching it seemed fainter even

than when she left Big Bone Lick with strength, hope and resolution. Now she did not know what hour her powers might utterly fail; what minute nature might yield and she would be lost.

"As long as she lived, Mrs. Ingles always referred to this as the most terrible day of her eventful life.

"Arousing herself again to the necessities of the hour, she started on her painful and perilous descent; crawling, falling, slipping and sliding, she at length reached the bottom as the day was about departing.

"I have talked with a friend of mine, born and reared in this neighborhood, and who is perfectly familiar with all this part of New River. He tells me that this cliff is 280 feet high to the top, measured, the first 100 feet overhanging, and that the water in the pool at the base has never been fathomed. He has often tried in his youth with long poles and with weighted lines, but never got bottom. There is, he says, a whirlpool or sort of maelstrom here, down into which when the river is high, logs, driftwood, etc., are drawn, coming up again some distance below. No wonder Mrs. Ingles could not wade around the cliff; no wonder it took her a whole day in her exhausted condition to climb over it.

"The highest point of this front cliff, from some real or fancied resemblance to a huge anvil, is called 'Anvil Rock.' Just across the river, in a corresponding cliff—all of the blue limestone—is a natural arch, which is called 'Caesar's Arch,' and near it a natural column called 'Pompey's Pillar.'

"'Sinking Creek,' a considerable stream which in low water loses itself underground some miles in the rear, finds its surface in the deep pool at the base of Anvil Rock cliff. In freshets the surplus water finds its way to the river three-fourths of a mile below."

After reaching the base of the cliff Mrs. Ingles was almost unable to proceed. She dragged her way along the river bank, and about the setting of the sun came to a clearing, surrounded by a rail fence, in which had been grown a crop of corn that was then standing in the field. She was unable to see a building of any description and, being too far spent to make search for the people she believed to be living near, she commenced to halloo at the top of her voice, in the hope of attracting the attention of any persons who might be in the vicinity of the clearing which, it turned out, was the field of Adam Harman. His son, Adam Harman, Jr., a good-sized lad, was high up a steep mountain spur, almost directly above Mrs. Ingles, returning from hunting. As he descended toward the field, the weak and tremulous wail of Mrs. Ingles attracted his attention. In the wilderness all sounds and alarms that could not be immediately accounted for were at once attributed to Indians. In great alarm he came down the mountain to the field where his father was gathering corn in a part which was situated in a depression and behind a ridge, and which was not within hearing of Mrs. Ingles. When his son informed him that he had heard Indians in the woods, Adam Harman seized his gun and set out for his cabin in great haste. Coming up to the top of a ridge near Mrs. Ingles he heard her voice. He stopped a moment to listen and was soon convinced that it was not the voice of Indians which had frightened his son. He set off hurriedly toward the quarter whence came the voice. He found a strange-looking figure seated on a log. Her long hair had not been combed for months and was matted in a tangled mass about her head. She was almost destitute of clothing. What remained was slit, torn and tattered to rags. Adam Harman was well acquainted with Mrs. Ingles. She had been his neighbor for years. But it was hard for him to realize that the exhausted, torn, dirt-begrimed, weather-blackened, hunger-worn, emaciated figure that he found sitting on the moss grown log in the woods uttering feeble wails of despair was the young and accomplished wife of his friend William Ingles.



Mrs. Ingles was unable to stand unsupported when Harman found her. He gave his gun to his son and lifted her in his arms. Her weight was little more than that of a child. He carried her to his house. There she was taken in charge by his good wife and daughters. They administered her a small quantity of brandy and gave her a little food. In the course of a few hours she was ravenously hungry and cried and begged piteously to be allowed to eat as much as she wished. Poultices were applied to her torn, frozen and swollen feet and limbs. It required half a day for one of Harman's daughters to untangle, cleanse and dress Mrs. Ingles' long and beautiful hair.

Mrs. Ingles rapidly regained her strength and recovered her health under the tender care of the Harman household. She was anxious and impatient to see her husband. She wanted to proceed on her way home. At the end of three days Mr. Harman believed her strong enough to stand the journey. She was still too weak to retain her seat on horseback. Mr. Harman placed a pillion behind him on his horse. He placed her on this and she rode behind him to the Dunkard's Bottom, where nearly all the families of the settlement were gathered in a fort.

## IX

### CONCLUSION

When William Ingles escaped from the Indians on the day of their attack upon his home and the capture of his family, he urged his friends and neighbors to help him rescue his wife and children. In his entreaties he was joined by John Draper. Their misfortunes and distress and their anxieties for their families in the hands of the savages rendered them desperate and unreasonable. The settlement was in no condition to make a successful pursuit. The guns and ammunition of the settlers had been carried away by the Indians. The settlement's apportionment of powder and lead had been delivered to William Ingles before the attack upon his home, and it had fallen into the hands of the Shawnees. Realizing at length that it was impracticable to make any early attempt to rescue their families, Ingles and Draper, together with the other settlers of Draper's Meadows, set about enlisting the Government in an expedition to punish the Indians and rescue the captives. This they succeeded in inducing the authorities to do. The defeat of Braddock had left the frontier settlements at the mercy of the Indians on the Ohio. From all along the border came importunities for some action which would hold the savages in check.

In compliance with these demands, Governor Dinwiddie ordered an expedition sent against the Shawnees by the way of the Great Sandy Creek, as the Big Sandy River was then known. It was intended that the expedition should be under way by October, 1755, but it was found impossible to procure a sufficient force of men by that date. Further delay ensued. The campaign was on the verge of failure for want of troops in force adequate to accomplish its purposes, when the settlers about the New River suggested the enlistment of a company of Cherokees. The proposition was received by the authorities with favor, and Christopher Gist, William Ingles, John Draper and Matthias Harman were sent to the Cherokee towns on the Little Tennessee River on this mission. They were successful, and 130 Cherokee warriors went in the following February (1756) with the English on the "Sandy Creek Voyage," as the expedition was always called by the frontiersmen. The Indians were commanded by Richard Pearis.

Ingles and his companions returned from the embassy to the Cherokees about the time that Mrs. Ingles arrived. They camped in the woods about six miles from the fort in the Dunkard's Bottom the night of Mr.

Harman's arrival there with Mrs. Ingles. They came on to the fort on the following morning and were astonished beyond measure when informed of Mrs. Ingles' return. The meeting of husband and wife was a happy one. But their joy was turned to sorrow when they remembered their children in savage huts on the banks of the distant Ohio.

Mr. and Mrs. Ingles remained at the fort until spring, when they went to Vaux's Fort on the Roanoke River. Mrs. Ingles' horror of again falling into the hands of the Indians made her fearful of remaining even there, and they soon afterward removed to Bedford, in Botetourt County, east of the Blue Ridge. Their removal thither proved their salvation. Vaux's Fort was captured this same year and the families that had taken refuge there murdered or carried away captive.

The other prisoners remained for years with the Shawnees. George Ingles and the infant died shortly after their separation from their mother. After much difficulty Thomas was ransomed by his father thirteen years after his capture. When his father procured his release and brought him home he was almost grown, unable to speak English, and an entire savage in his manners and habits. He was afterward educated at the home of Dr. Thomas Walker in Albemarle County and became a man of much worth. Mrs. Draper was released by the Shawnees at the end of seven years.

Mrs. Ingles' captivity and escape occupied  $5\frac{1}{2}$  months. From the time when she left the Big Bone Licks in Kentucky until her arrival at the Dunkard's Bottom was a period of more than forty days of such danger, toil, fatigue, privation, hardship and suffering as few people have been called upon to undergo. When the Shawnees were informed of her escape and told that she was still alive, they refused to believe it. They did not think it possible. When she and the elder captive failed to return to the camp at the Licks, the Indians searched for them in all directions, but found no trace of them and concluded that wild beasts had devoured them. That two lone women would attempt to make their way to Draper's Meadows unarmed and unsupplied with food they could not comprehend, and that they had successfully accomplished their rash and reckless undertaking they refused to believe.

Mrs. Ingles died in 1815, aged eighty-three years.

The following is Foote's account of the rescue of "the old Dutch woman":

"While Mrs. Ingles was at Harman's lodge she entreated her host to go or send for the old woman. He positively refused, both on account of her bad treatment of his guest and also that he knew that she would come to a cabin on her side of the river. To this cabin she came, and found in it a kettle nearly full of venison and bear's meat the hunters had prepared and just left. She feasted and rested herself a day or two, and then dressing herself in some clothing left by the hunters, and making a bark bridle for an old horse left there, she mounted him and proceeded on her way. When within about fifteen or twenty miles of the Dunkard's Bottom she met some men going in search of her. They found her riding, carrying the bell she took from the horse left in the river and had brought along all through her journey and hallooing at short intervals to attract the attention of hunters. Nothing is known of her after her arrival at the fort; the only remarkable event in her life was her escape with Mrs. Ingles."

Doctor Hale's account of her rescue:

"Mrs. Ingles awoke next morning greatly rested and refreshed. She called Harman and told him of her experience with the old woman, her companion, and begged him to send his boys back down the river in search of her, but the boys, having heard Mrs. Ingles relate the story of her adventure with the old woman, and, very naturally, feeling out-

raged and indignant at her conduct, refused to go, and Harman, sharing their feelings, declined to compel them; so the old woman was left, for the present, to make her own way as best she could.

"After arriving at the fort, Mrs. Ingles again begged Harman, now that he had restored her to her friends, to comfort and safety, to go back and hunt for the poor old woman and, if still alive, to bring her in. This he now consented to do and started promptly down the west bank of the river.

"A few miles after she and Mrs. Ingles had parted company the old woman met with a piece of genuine good luck. She came upon a hunters' camp just abandoned, apparently precipitately, for what reason she could not tell—possibly from an Indian alarm—but they had left on the fire a kettle of meat, cooking, to which she addressed herself assiduously.

"She remained here two or three days, resting, eating and recuperating her strength. The hunters had left at the camp an old pair of leather breeches; these the old woman appropriated to her own personal use and adornment, being by no means fastidious about the fit or the latest style of cut, or fashion, her own clothes being almost entirely gone.

"An old horse had also been left by the supposed hunters, loose about the camp, but no sign of saddle or bridle.

"The old woman remained at the camp, its sole occupant (no one putting in an appearance while she was there) until she had consumed all the meat in the pot; she then made a sort of bridle or halter of leather-wood bark, caught the old horse, put on him that same bell which was found on the horse captured opposite the Scioto and taken off by the practical minded old woman when that horse had been abandoned to his fate among the drift logs in Big Sandy and carried through all her terrible struggles and sufferings to this place.

"Having taken the wrapper from around the clapper and so hung the bell on the horse's neck that it would tinkle as he went, as, being so near the settlement, she now hoped to meet settlers or hunters, she mounted him, riding in the style best adapted to her newly acquired dress of leather unmentionables, and again started up the river on her way to the then frontier settlement.

"Thus slowly jogging along, hallooing from time to time to attract the attention of anyone who might be within hearing, she was met in this plight about the 'Horse Shoe,' or mouth of Back Creek, opposite 'Buchanan's Bottom,' by Adam Harman, in search of her, and taken on to the Fort.

"The meeting between Mrs. Ingles and the old woman was very affecting.

"Their last parting had been in a hand-to-hand struggle for life or death—not instigated by malice or vindictiveness, but by that first great law of nature, self-preservation, that recognizes no human law; but now that they were both saved, this little episode was tacitly considered as forgotten. Remembering only the common dangers they had braved and the common sufferings they had endured together in the inhospitable wilderness, they fell upon each other's necks and wept, and all was reconciliation and peace.

"The old woman remained here for a long time, awaiting an opportunity to get to her own home and friends in Pennsylvania. Finding before long an opportunity of getting as far as Winchester by wagon, she availed herself of it, and from there, with her precious bell, the sole trophy of her terrible travels and travails, it was hoped and believed that she soon got safely home, though I cannot learn that she was ever afterwards heard of in the New River settlement."

## CHAPTER VIII

### THE SANDY CREEK VOYAGE

The defeat of Braddock in July, 1755, left the frontiers of Virginia, Maryland and Pennsylvania exposed to the attacks of savage tribes. The Western border, fronting on the Ohio Valley, was helpless and well-nigh defenseless. The Indians of that region were left wholly to the influence of the intrigues of the victorious French. The settlements of the English were at that time just passing beyond the great Alleghany Divide. The inhabitants of this border keenly realized the peril in which the supremacy of the French on the Western waters had placed them. And soon red murders, ruthless butcheries, Indian captivity, torture and death at the fiery stake, the lurid flame and black smoke rising at midnight over the ruins of farm-house, fort, and settlement were familiar accompaniments to the savage warfare waged along the border. The Shawnees, Delawares, Wyandots, Mingoes, and other tribes hung upon the outlying settlements of the English. Terror ensued and desolation soon marked the frontier line. The trails were thronged with fugitives who had been compelled to flee from their homes without proper clothing, without subsistence, and sometimes with little hope of succor.

There had as yet been organized no campaign against these Western Indians. Such an expedition would meet with many untoward circumstances, for there had been only the unfortunate effort of Braddock to furnish experience. All that the border settlers had been able to attempt was to pursue singly or in small companies the savages who had spread consternation by their brutal massacres. Such pursuit was always at the instance of individuals acting on their own initiative.

The first expedition ever organized by any colony for the purpose of invading the Indian country of the Ohio waters was that which Virginia designed to send down the Great Sandy, in the fall of 1755, against the Shawnee lower towns, and which was known to the frontiersmen as the Sandy Creek Voyage. The settlers about Draper's Meadows were the most persistent advocates of such a campaign, and to their efforts, largely, was the credit of the expedition due. In the correspondence of Governor Dinwiddie there are references to the presence in the governor's office of William Ingles. Ingles, in fact, acted as the governor's messenger and representative on more than one occasion in the preparations for the voyage.

The military forces of Virginia were far too meager to adequately discharge the responsibilities required of them. No sufficient number of troops could be spared for this new enterprise. Governor Dinwiddie might have hesitated but for the suggestion of the pioneers at Draper's Meadows. Through their efforts the Cherokee Indians were enlisted in the Virginia cause. It was not until they had been brought to declare against the French and the Shawnees that the demonstration was assured. Richard Pearis was the principal factor in shaping the policy of the Cherokees. Writing to him on the 15th of December, 1755, Governor Dinwiddie said: "I am glad you have bro' in 130 of the Cherokees and Y'r Assurance of 50 more com'g, and of their Porposal for attck'g the Shawneese in their Towns, w'ch I greatly approve of."

In his letter of January 2, 1756, to Governor Sharpe, Dinwiddie explained how the Cherokees had been won over: "Since I wrote You, four of the Cherokee Warriors came here professing the great F'dship their Nat' had to their Bro's the English. I dispatched them with new Cloaths and some Presents, and sent a Person with them to persuade them to take up the Hatchet ag'st the Fr." On the same day the governor wrote Governor Morris to the same effect. From this letter it would appear that the Cherokees themselves suggested the expedition to the Shawnee towns, and that they had at first been enlisted to guard the border and protect the settlers.<sup>1</sup>

The Cherokees were commanded by three of their chiefs—Outacite, Yellow Bird, and Round O. The last two were commissioned as captains of their respective bands in the Virginia service. All the Cherokees formed one company, of which Richard Pearis was the captain. Of Virginia troops there were seven companies of regulars, and two companies of volunteers. The seven companies were commanded by Capts. Peter Hogg, William Preston, John Smith, Robert Breckenridge, Obadiah Woodson, Samuel Overton, and Richard Pearis. It seems that the Cherokees were counted as regulars. The volunteers were commanded by Capts. John Montgomery and ——— Dunlap. The whole number of men finally assembled is set down as 365. These forces rendezvoused at Camp Frederick, in what is now Pulaski County, Virginia. Col. George Washington, then in command of the Virginia forces, named Maj. Andrew Lewis as the commander of the expedition. Major Lewis was at that time the commanding officer of Augusta County. Governor Dinwiddie wrote him a letter of instructions of considerable length, which has been preserved. It was largely discretionary, covering both the contingencies of the expedition and the military affairs of Augusta County.

There were many delays. It required time to provide horses for the campaign. There were no wagons, and no roads over which they could have been taken. Ammunition, supplies, and all baggage had to be transported by pack-horses. Finally, all was made ready for the advance, which began on the 18th of February. The route bore to the westward over the mountains to Bear Garden. This point was on the north fork of the Holston, and was reached on the 23rd. Some of their horses were lost at this point. The march on the 24th carried the little army over two high ranges. It was a hard day, at the close of which camp was made at Burke's Garden, one of the most fertile tracts in Virginia. The plantation there was deserted, but plenty of potatoes were found and dug by the men. On the 25th men were sent out to kill game. Their success was but indifferent. The march was continued on the 26th, and it lay over high and rugged hills. The head waters of Clinch River were reached at dark. Captain Pearis had been sent to scout the country for evidences of any enemy which might be lurking along the line,

<sup>1</sup> Jan'y 2nd, 1756.

Sir:

.....Some time since the Cherokees sent four of y'r Warriors to me assuring me of y'r steady F'dship to y'r Bros., the Eng. I sent them from y's with new Cloaths and some Presents; sent a Person with them, and I represented the cruel Barbarities committed by the Fr. and Ind's on our back Settlem'ts. W'n they were properly convinc'd thereof they took up the Hatchet and declar'd War ag'st the Fr. and Shawnesse and sent in to Augusta County 130 of y'r Warriors to protect our Front's. These People proposed going to attack the Shawnesse in their Towns, w'ch I approv'd of (and) order'd four Companies of our Rangers to join them, and sent up some Guns, Powder, Lead and Match Coats, and gave direct's for Provis's. I wish Success may attend it as probably it may reclaim some of our f'dly Ind's who have join'd the Fr. and encourage the Twightwees to be our F'ds w'n they find the So'ern Ind's are in our Int't.....

Sir, Y'r most h'ble serv't.

but none was found. No game was secured by the hunters. A heavy rain prevented movement on the 27th. After it ceased, the hunters went out and killed several bears.

On Saturday, the 28th, the army reached the head waters of Sandy Creek. This was the Dry Fork of Tug River. There was heavy rain, and the small streams were doubtless running bank full. The Dry Fork was crossed twenty times that afternoon. Camp was made an hour before sunset. The hunters killed three buffaloes and a number of deer. On the 29th the creek was crossed sixty-six times in a distance of fifteen miles. Some of the pack-horses gave out and were left by the way. Camp was made in a "Cane Swamp" after a hard day. The following day the march led over a high ridge through a gap to another branch of the stream. Camp was made at 4 o'clock in a very inconvenient place, the stop there being caused by thunder, hail and rain. The Indian scouts found signs of enemy Indian camps. Abraham Bledsher was sent out to verify this report, and found a tree cut two days before for a bear, also three box traps which had been made since Christmas. On the 2nd of March Indians were sent out to make further discoveries. They reported that they had found a large camp which had been occupied about three days before. Major Lewis took Captains Pearis, Breckenridge, and Preston and went on in advance two miles to look for signs of Indians. Camp had been set at 2 o'clock on the main stream, to which they returned by descending the branch on which they had been. Thirty odd men were sent out because of a great smoke reported by the Cherokees. The men were on this day put on half rations of beef, which was almost exhausted. Evidences of bituminous coal were seen on every hand, the first to be observed on the march.

The road or trail was becoming almost impassable. The country was rough and the river, of course, growing in volume as it was descended. Rations were reduced to half a pound of flour to the man. There was no meat except what the soldiers might kill. What little beef there was left was reserved for future use. Camped on the creek where there was no food for the horses, some of which strayed in the night. Thursday, the 4th, the march began at half past eight after search for the strayed horses. Captain Preston marched in front. The stream grew rapidly larger as the descent continued. Considerable tributaries came in on both sides. The valley was narrower, the mountains high and steep. The river was waded sixteen times on this day. Food was about exhausted. Only hunger and fatigue were ahead, and there was much discouragement. On the 5th fifteen miles were made with great difficulty. The stream was very deep for wading, and the men suffered much, for they were hungry. The mouth of the Dry Fork was reached and camp was made on the point between the rivers.

Saturday, the 6th, the camp was moved across to the east bank of Tug River. Here the stream was large enough for navigation with canoes, and the Cherokees proposed making such craft for themselves. Major Lewis set men to work to make a large canoe in which to carry down the ammunition and the little remaining flour. The men began to murmur and some of the officers feared a mutiny. On the 7th it was agreed that Captains Smith, Breckenridge, Dunlap and Preston, and Lieutenant Morton should go on down the river with their men a distance of fifteen miles, and no farther. That night this detachment came upon some footmen encamped six miles below the forks of the river. Here a pound of flour was issued to each of the forty-eight men, and this was expected to last them until the main command should come up. The men were ready to mutiny and agreed to set off for home the next morning. Captain Preston prevailed on them to make one

more trial. At 3 o'clock on the morning of the 8th the march down the river began. Three miles below, the mountains closed in on the river, and the men could not pass. To avoid this, high mountains were crossed and a small stream descended to where some of the men had killed two elks. But for the meat thus secured it was thought some of the men would have died of hunger. "Their cries and complaints were pitiful and shocking," wrote Captain Preston. Two buffaloes and one elk were killed on the morning of the 9th. It was believed that the fifteen miles had been made, and the men refused to go on. Some of the young men went on down seven or eight miles. On their return they reported that they had viewed the country from a high mountain, and the mountains were so much higher in front of them that the rough country already passed appeared level in comparison. It was impossible, they said, to take the horses over such a country. No game had been seen. This report caused the men to resolve to set out for home the next morning. They still intended to do this the morning of the 10th, and they were prevailed on to remain until a letter could be sent to Major Lewis stating conditions only by the representations of Captain Preston that to set off then would cause his character to suffer. In the evening Henry Lawless came into camp and reported that the canoes had started down that morning.

It required much persuasion to prevent the men from starting home on the morning of the 11th. They finally agreed to await the arrival of Major Lewis, who was expected at any time. Two Indians came down in a canoe and said the other part of the expedition would arrive that night. Andrew Lyman and William Hall returned from a fifteen mile scout down the river and reported much improvement in the country and the promise of much game. The men believed this only a story to induce them to continue the expedition, which, they truthfully said, they were in no condition to do. It rained most of that night. On the morning of the 12th some of them made ready to depart. A few got under way, but were brought back. Some were disarmed. Captain Woodson and some of his men arrived. His canoe had been overturned and everything lost. The canoe of Major Lewis had also been wrecked and the major compelled to swim for life. Later he arrived at Preston's camp and confirmed the account of the disaster. Colby Chew, one of the companions of Dr. Thomas Walker in his famous exploration of 1750, killed a small bear, which was eaten by the major and his mess. He spent the 13th trying to hold his men to the expedition.

The crisis had arrived. "Hunger and want was so much increased that any man in the camp would have ventured his life for a supper," wrote Captain Preston. Against such a condition even Major Lewis, loyal and courageous though he was, could not prevail. His appeals were patriotic and earnest, but they fell on deaf ears. The men knew that they could not proceed situated as they were, and they were not to be blamed for refusing to go on. To them it seemed certain death from starvation. They heard with respect, but set out on their return. Captain Montgomery's volunteers left camp first. The companies of Preston and Smith soon followed. In the afternoon Captain Dunlap's volunteers left. Major Lewis consulted the Man Killer, a Cherokee, who said it was with regret that he saw the white men turn back. He thought the Cherokees would not continue the expedition alone. The officers and a few privates had stepped forward when Major Lewis made his last appeal. He saw that nothing further could be done. The expedition had failed, but not by any fault of his. The contention of the men that in the beginning there had been inadequate preparations for so extensive a campaign was right.

Though the Sandy Creek Voyage failed of its purpose, much good

came out of it. Men became familiar with wilderness difficulties and were hardened for later work. Major Lewis fought these same Indians at Point Pleasant at the mouth of the Kanawha in October, 1774. Many of these Sandy Creek Voyagers fought with him there. He defeated them and their confederates, and opened the Ohio River to the settlers so soon to come in ever increasing numbers. The Prestons, the Breckenridges, the Overtons, the Montgomerys, and others founded families in the West which endure to this time in all honor and achievement.

Many authorities assert that the Sandy Creek Voyage reached the Ohio. It did not do so. It only came in sight of those rugged mountains where the Tug River breaks through its last formidable barrier on its way to the Ohio, and which are to this day called "The Roughs." There is reason to believe, however, that some of the men, on their own account, penetrated deeper into this wild land. There may have been fifty or even a hundred whose hardihood was not appalled by rough hills and swollen streams. It is difficult to account for the well defined traditions found yet in West Virginia and Eastern Kentucky relating to this expedition on any other theory than that which says some part of this force reached the present site of Louisa, Kentucky.

This expedition gave name to the Tug River. The men hung up two buffalo hides near some spring from which the natural gas bubbled up in quantity sufficient to burn. On their return in a famished condition, they cut these buffalo hides into strips or tugs, held them over this ignited natural gas until the hair was burned off, then ate them. This incident, taken with the hard tug made by the men to descend the river, caused it to be spoken of on the frontier as the Tug River. The name is appropriate. It is one of the roughest streams in all the Alleghanies. While it has a good volume of water, it never was navigable for even the smallest steamboats.<sup>2</sup>

So little has been accessible on this first Western expedition that it is believed to be well, if, indeed, it is not necessary, to set out here the journal of Preston and the diary of Morton. For the ordinary reader and casual student will never see them until they are published in some general history.

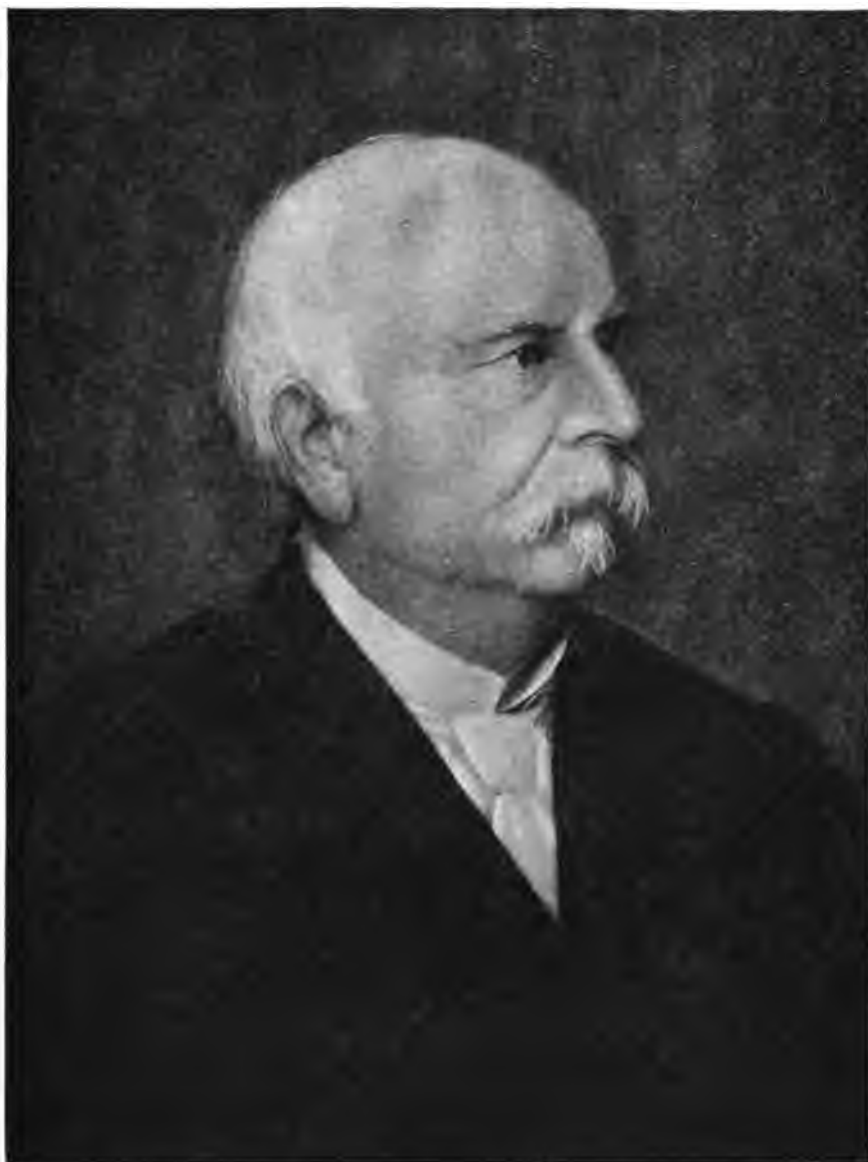
JOURNAL OF COL. WILLIAM PRESTON RELATING TO HIS MARCH TO SANDY CREEK FEBRUARY 9 TO MARCH, 13, 1756

Copied from the Draper Mss. Collection in the Library of the  
WISCONSIN HISTORICAL SOCIETY, MADISON, WIS.

Monday 9th day of February 1756 In Pursuance to Orders of Maj. Lewis dated the 4th Instant I marched from Fort Prince George wth my two Lieutenants Two Sergeants Three Corporals & 25 Private men had with me one Waggon Load of Dry Beef the wt 2000lbs we Traveled 15 Miles the first Day & Lodged at the House of Francis Cyphers on Roanoke & early on Tuesday Morning being the 10th we proceeded on our journey as far as Richd Halls wch is abt 15 Miles

<sup>2</sup> The best authorities on the Sandy Creek Voyage are the letters of Governor Dinwiddie, published in the *Virginia State Papers*, and the manuscript journal of Colonel William Preston. Also the copy of the diary of Lieutenant Thomas Morton. Both of these are preserved in the Draper Collection in the Library of Wisconsin State Historical Society, Madison. The Thwaites edition of *Withers' Chronicles of Border Warfare* contains good material. Withers fell into errors which Thwaites points out. Other works on Virginia have accounts of this expedition. This "Voyage" as the backwoodsmen called it, left its impress on the memory of the border settlers to a most remarkable degree. Innumerable traditions and stories connected with it are still extant in West Virginia and Eastern Kentucky. And the writer heard many of them recited by pioneers at gatherings, while working in the fields and in the shops, and about open fires in winter, in the Big Sandy Valley, from his youth upward.





GEN. WILLIAM PRESTON, 1806-1887  
(Courtesy of The Filson Club)

Wednesday 11th We set off early & Marched briskly to New River whch was occasioned by an Information we recd that Capt Hogs Comy was but a little behind us. we got safe ovr the River & left a Guard of Men wth the Waggon whch did not reach the camp till late at night. As we Marched by the Cherikee Camps we Saluted them by Firing Guns whch they returned wth seeming Joy & Aftersds honoured us wth a War Dance.

Thursday 12th Nothing remarkable this Day only I heard a Sermon preached at Capt Woodstons Camp by the Revd Mr. Browne.

Friday 13th This Day recd Orders from Maj. Lewis to have my Compy in readiness to appear on the Pardae at 12 o'Clock to Pass a Review whch Orders was complyd with. the Number Review'd was about 340, Indians included being the companies follg.

Capt's Hog, Preston, Smith, Overton,

Woodston, & Paris wth the Cherikee Indians.....

Lodged this Night wth the Revd Mr Browne at Mrs Peppers & took a good bath in the River.

N. B. The Revd Mr Craig preached a Military Sermon his text was in Deuteronomy Two Caps Commissions was given this Day by Major Lewis to two Head Cherikee Warriors named Yellow Bird, Round O——

Saturday 14th Day. This Day came a company of Volunteers under Capt Delaps [Dunlap's] Command being 25 in Number.

Sunday 15th. This Morning abt 10 o'Clock Old Jas Burk brought word that Robert Looney was killed nigh Alex. Sawyer's & that he had himself Horse shot & 5 takin away by Shanese Indians & that he thought by wt Signes he see that it was not above 4 Indians that had done the above upon whch there was Immediately a Council of War held & it was Concluded to send a Detachment of 60 White Men & 40 Indians out to morrow mornng [as Scouts] Abt Noon The Revd Mr Browne gave us a military Sermon his Text was 2d Bk of Samuel Ch. V. which was excellently treated upon.

& at Night our Indians Danced a Great War Dance.

Monday 16

40 Indians & 60 White men under the Commd of Capt. Smith & Woodson marched from Fort in Order to range the woods about Reed Creek for the Enemy they are to march to Burks Garden when they are to be joined by the Second Division. the Revd Mr Browne took his departure from the Fort. I conveyd him over the River & there took Leave of him, Dined with Capt Hog who Entertained the Officers very kindly.

Tuesday 17th

We had Orders this Day to hold our Companies in Readiness to march next morning, Mr Paul returned from the horse Guard & reported that 3r was missing. the Revd Mr Craig Preachd an Excellent Sermon

I wrote Sundry letters to my friends.

Mr. Paul with a Small Detachment was ordered to search for the Horses which was missing they staid out that night

Wednesday 18th the Companies were all in Readiness to march early this morning but as so many Horses were wanting only Capt Hog's Company & the VolunTERS with Major Lewis could march.

They set off in the afternoon. My Company with Capt Pearis's was ordered to stay till the Horses would be found & Saddles prepared & that Night we fixed off [f] 27 Loaded Horses with which we marched next morning.

Thursday the 19<sup>th</sup> This morning all hands were Busied in getting Ready for their Journey and at 10 o'Clock we took Leave of what friends were there & after Sundry stoppages on the Road we got to Wm Lyens that Night & Lodged very well on his barn floor. I left 3 men at fort Jh under Stephen Tyler.

Fryday 20. I had occasion to switch one of the soldiers for mis-  
for swearing demeanor which with Lt Mcneal & I Diverting our-  
profanely selves by play very much incensed the Indian Chiefs  
then Present

We started at 8 oclock & advanced to Alexr Tyers where we met with the Indians who went out with the first Division & Stephen Inglis who Informed us of the Burriel of Robt Looney & the other unfortunate man that was murdered with him soals of two Shawnees which was seen by a Cherrekee but being at so great a Distance he Did not fire at them. that Capts Smith and Woodson was Immediately Informed thereof but their searches for the Enemy Proved Useless as the Night very soon approached. I sent the Baggage horses on to McCalls (where the Body of men Lay) under the care of Lts Paul & Robinson & tarryd with Capt Pearis & others to accompany the Indians who being incensed at their missing the Enemy & some Disturbance which arose among themselves seemd in a verry bad humor & after we left the House a Large Party of the Indians took off another way and pretended they would go to the Shawnese Town a near way, & only the Warriors & ten men attended us to the Camp. at which place we arrived about 4 oClock in the Afternoon—I spent the evening very agreeably among the Officers.

Saturday the 21<sup>st</sup> We recd Orders not to let our men fire any Guns withn one mile of the Camp, to Debar play of any kind among the men, & to send 4 Men out of each Company under Capt Overton & Lt McNeal to go in quest of the Enemy at a place where they had been Traced the Day before by Capt Tyers & others, in the afternoon they Returned but had found no Enemy. Major Lewis Capt Pearis & the Interpreter went to Col. Buchanan's Place where the Indians which deserted us had Loged the night before & with many persuasive Arguments prevailed upon them to Return & Join the army which they did in the Evening to our great Sattisfaction.

Sunday 22<sup>d</sup> We marched about 9 oClock from McCauls at which time I wrote home and sent my horse by Col. Buchanan's servt which I soon after Repented. We Reached to Jno McFarlands about 3 OClock where we Encamped the Vollunteers—having marched on before us the Indians—perceiving their Tracks which they took to be the Enemy's occasioned our taking up Lodging so soon. My Company Mounted Guard this Evening. Returned a Muster Roll of the Co.

Monday ye 23<sup>d</sup> This morning appeared likely to Rain we marched at 9 oClock & overtook the Vollunteers at Robt McFarland. from which we marched over the mountain with much Difficulty as it—Rained Very hard we Lodged at Bear Garden on the N. Branch of holstons River where we lost sundry Horses.

Tuesday ye 24 Marched at 10 oClock from Bear Garden & with great trouble & fatigue Passed two Large Mountains & at length arrived at Burks Garden where we Encamped that Night we had Plenty of Potatoes which the Soldiers Gathered in the Deserted Plantations. Numbers of the White Men & Indians went out to hunt for fresh meat which was brought in abundance. The Indians discovered some Tracks which

they took to be Enemy Indians & orders was given to each Captain to have 4 men of their Respective Companys in Rediness to march next morning with Capt Pearis & 20 Indians before the Company as Scout to Range the Woods—Snowed that night—

Wednesday 25th      20 white men and 20 Indians were sent off very early with Orders to wait for the Body at Clinch or Sandey Creek—and it was Ordered that the soldiers should hunt that Day for Provisions (as none would be Drawn) (for we agreed not march that Day) I sent out several hunters and went out myself with Capt Brackiwood [Breckenridge] & hunted for seven hours & killed only one Poor Turkey and all my other hunters Returned with Success which caused many complaints to be made to the Comy. Burk's Garden is a Tract of Land about 5 or 6,000 Acres as Rich and Fertile as any I ever saw. it is well watered with many beautiful streams & Lyes surrounded with mountains almost inaccessible.

Thursday 26th.      We marched Early & Crossed three large mountains with great Difficulty & after Dark Arived at the head of Clinch where we met with Capt Pearis & the Detachment under his Command who had not met or seen any signs of the Enemy. It Rained in the Night which give me great Uneasiness as I was Ill Provided for a Tent. That Day bought a little horse of Lt Smith for £4 to Carry me out to the Shawne Towns. Our hunters went out but could not find any Game.

Fryday 27      Being a very great Rain we lay by that Day. in the afternoon it cleared up & Several went a hunting and Killed 3 or four Bears.

Saturday 28th      We marched at 10 oClock & Passed several Branches of Clinch and at length got to the Head of Sandy Creek where we met with great Trouble and Fatigue occasioned by a very heavy Rain and the Driving of our Baggage Horses Down Sd Creek which we Crossed 20 Times that evening. We Encamped an hour before sunset. I was ordered to mount Guard that night. Our hunters had good success. 3 Buffaloes were killed and some Deer.

Sunday 29th      We marched half an hour after nine & in 15 miles Passed the Creek, 66 times. My Compy attended the Pack Horses which Increased our Fatigue as Sundry Horses were left not being able to carry Loads any further. I Passed the Creek 16 Times on Foot. The Sabbath Day was spent very Disagreeably. We followed Down the Several Courses of that Crooked Creek Passing Branches which came in on both sides until we Came to a Cane Swamp where we Encamped. This Creek has been much frequented by Indians both Traveling & hunting on it & from many late Signs I am apprehensive that Parnisher the Prisoners taken with him were Carried this way & Indeed the Indian are of opinion that som have gone lately this way by some Tracks they seen.

Monday 1st of March [1756]      This morning I see to the West and I heard Thunder before Day. (I bathed in ye River) At nineoClock we marched & in four miles we Left the Creek to the Eastward Passed a Gap in a high Ridge & Came upon a Branch which we Encamped upon in a large Bent & in a very In convenient Place. about oneoClock we had a very great Gust of Thunder hail & Rain which caused us to take up much sooner than otherwise we would have done. The Indians

went in front & (as they say) they Discovered the Tracks of 2 Enemy Indians on ye main Creek. I sent Abm Bledsher to hunt & he found where the Enemy had been about 2 Days ago Cutting a tree for a Bear & see 3 box traps which had been made since Crsitams. It was generally believed that the Enemy had a hunting Camp very Nigh. Therefore Caution must be used that we may trap undiscovered or uttully destroy the Party.

Tuesday ye 2d. a number of the Indians went out Early to make what Discoveries they could of ye Enemy about 10 oClock some of them Returned & Reported that they had seen a large Camping Place of ye Enemy where they had been about 3 Days ago with many signs of Horses which had been stolen by them The Cherrokees Desired to Stay that Day at their Camp to Range the Woods which they Did. We marched at 12oClock and traveled down the Branch about one Mile where we see the above Enemies Camp, with very great Signs, we proceeded down ye Branch & in another mile or two we came to the main Creek where we Encamped at 2 oClock. Major Lewis, Capt Pears & Brackinridge & myself with sundry others 11 in number went down the Creek Two Miles in Search of tracks but being followed by Mr Hocket we Returned, who told us that the Indians had seen a great smoke which they supposed to be Enemies & that they had sent a Messenger for Capt Pearis to go Immediately to them with 25 Chosen Men — no other Officers. We Proceeded with great haste to the Camp & the men were Ordered out being 30 odd in numbr with Capt Pearis, Lts McNeal & Allan who went as Vollunteers We recd an account that the Cherrokees with a few white men had Left the Camp & were gone in order to Destroy the Enemy before they were Reinforced by the Detachment. This Day we were put to half allowance of Beef which was almost exhausted—this Day on our march we came into the Cole Land Crossed ye Rivr S[undry] times.

Wednesday 3d we marched half an hour after nine oClock my company on the rear of Capt Hog with 20 men went before to Clear the Road which was almost Impassible. we marched until sunset or nigh that time & advanced only 9 other miles being much Retarded by the River & mountains which closed in on Both sides which Rendered our marching very Difficult and more so as each man had but half a pound of flour & no meat but what we could kill, & that was very scarce. we Encamped on ye Creek at a place where no food was for the Horses wh occasioned many to stray away We got a few Bears. Capt Pearis' had not Returned.

Thursday 4th We marched at half an hour after nine oClock after a tedious search for the Horses many of whom could not be found. I was ordered to march in the front wth my Company we Proceeded Down ye Ck which by several Branches coming in on both sides was very much Increased and Rendered it Difficult for our poor men to Wade which they were obliged to do 16 times. Capt Pearis & Lt McNeal with the white men & Indians on that Command met us on the Creek & Reported that they had made great search for the Enemy & could not find any signs, nor the fire which the Cherrokees supposed they see the smoke of. we marched about 6 miles that Day I sent out several hunters but had no success as was the Case with the Whole Company & nothing but Hunger & fatigue appeared to us.

Fryday 5th we marched about nine oClock this morning & with great Difficulty Proceeded 15 miles on our Journey the River being

very Deep and often to Cross almost killed the men, and more so as they were in utmost extremity for want of Provisions. this Day my Horse Expired & I was left on foot with a Hungry Belly which increased my Woe.—& indeed it was the case with almost every man in the Company. That night mounted Guard which is a very Troublesome Employment. It Rained Day & Night. No appearance of a level country though it was wishfully looked for.

Saturday 6th As we Encamped nigh the forks of the River we Did not move until Eleven oClock & then we only crossed the E. Fork & Encamped. The Cherrokees proposed to make Canoes to cary themselves Down the River which was Immediately put in Practice. Major Lewis set men to work to make a large canoe to Cary Down the Ammunition & the Small Remains of our Flour which was then almost Exhausted The men Murmured very much for want of Provisions & numbers Threatened to Return home. So that I was much afraid a mutiny would ensue. I spoke to the Major & let him know the General murmur of the Soldiers which very much concerned him & had no way to please them but to order a Cask of Butter to be Divided among them which was no more than a taste to Each man it Rained very hard that night which still added to our misfortune as we had no tents, & indeed hardly any other necessities for such a Journey

Sunday 7th That morning Rained yet the men continued to work on the Canoes. It was agreed upon by the Officers that Capt Smith, Capt Breckinridge, Lt Morton, Lt Dunlap & myself with our Comps & part of Montgomery's Vollunteers 130 in number should Proceed Down the Creek 15 miles & no further in search of Hunting Ground, the Indians was against that, we marched at nine oClock & the Horsemen (for we took down almost all ye horses) was obliged to Leave the Creek Some Distance for a Passage through the mountains which we found very Difficult, and about sunset we met with the foot men who were Encamped on the River about 6 miles below the forks. Our hunger & want Still Increased, as we could not get any Flesh Meat & had but one pound of flour allowed to each 46 men until the Major with the Remainder of the men Could overtake us. The mountains still seemed to be very high no appearance of a level country which greatly Discouraged our men. At our Encampment it was agreed upon by a Great number of the Soldiers to break off homeward next morning & my two Seargents told me their Intention & that they with severals Perhaps all of my men would Return with their companions. That they were fainting & weak with hunger and could not Travel the Mountains or wade the Rivers as they formerly had done, & that there was no Game in the mountains nor no appearance of a level Country, that their half pound of flesh per Day could not support them & that Small Quantity would soon be gone. I Proposed to kill horses to Eat which they Refused to Comply with. They said that might do if they were Returning to Support them home but it was not Diet Proper to sustain men on a long march against an Enemy. However I perswaded them to make a farther Tryal down the River the next Day which they agreed too with some Difficulty. It Rained hard that night.

Monday 8th We marched at three o Clock in the morning and proceeded down the River about 3 miles where the Mountains closed so nigh the water that We Could not Pass. We took up a Branch and Passed a very high Mountain & going down another Branch we met part of the men who had been at the River and could not get Down any farther. Here 7 Guns were fired at 2 Elks but unfortunately they got off. We

Passed another very great mountain & came on the head of a Branch which we followed down some miles where we met with some of the Vounteers who had killed two Elks, within one mile of the River. We Encamped at the River to which Place one Elk was brought & Divided to the small Joy of every man in Company, for by that Time hunger appeared in all our Faces & most of us were got weak & Feeble & had we not got that Relief I Doubt not but several of the men would have died with hunger. their Cries and Complaints were Pitiful & Shocking & more so as the Officers could not given them any help, for they were in equal want with the men. Our march was 7 miles.

Tuesday 9th. That morning the Vounteers killed two Buffaloes & an Elk which give us a further Relief. However the men still Continued to Murmur. We did not move that Day as we were of oppinion that we were 15 miles from the Forks where the Remainder of the Men Lay. a Great number of our young men went out to hunt and View the Country. Some went down the River Seven or Eight miles & Returned that Night and Reported that they had Climbed a very great mount in order to take a View of the Country & that there seemed to be Several prodigious great Mountains before them so that the Country Behind them appeared level in Comparison to that we had to travel, that the River seemed to Bear westward & no possability of taking Horses Down the River and that they saw no game. This account very much disturbed the men. In short they agreed to a man to Return next morning. I called the Officers together & it was Concluded that Each Captain should try to advise his men to stay untill Majr Lewis would arrive with the Remainder of the men. (It Rained that night very heavy.) I was In Utmost Disorder & Confusion to think of the men Returning in Such a Manner—which would Infalibly Ruin the expedition.

Wednesday 10th. The men were Prepared to Return I told the men that If they should go before Major Lewis Came, that I would be blamed for it & my Character would suffer—they agreed to Stay, as Did all the other Companies untill a letter Could be Sent to Majr. Lewis. Lt Morton was Imediately Dispatched with two men & a letter wherein I Set forth the Disorder & Confusion that was among us as also the Resolution the men were Come to & Requested him to come that Evening or next morning if Possable, for our meat was then done & then men had nothing to support them. In the Afternoon we had an account from the Camp in the forks by one Henry Lawless that the canoes would Set off that morning that a Horse had been killed to suport the men who were almost Perished with hunger and were very uneasy.

Thursday 11th. notwithstanding the Promises the men made the Day before of Staying untill Major would Come they were all in Readiness for a march homewards but after many arguments & Perswasions I Prevailed on them to Tarry that Day for the Majors Arrival as also for Andw Lyman who had been out 3 days making what Discoveries He could I Procured a little vension for their support that Day about 12OClock Two Indians came down in a Canoe who give us to understand that the Companies would be down that night. In the Afternoon Andrew Lyman & Wm Hall Returned & Reported that they had been fifteen miles down the River that they see a great Buffalo Road & fresh signs of Buffalos & Elks and see great numbers of Turkies & they were of Oppion that game was Plenty. they see an old Fort which they believed to be a hunting Fort built by the Indians, and they think the Main Mountain was not above two Miles below them but did not Choose to Venture themselves to make any further Discoveries as they Judged this

to be Sufficient to Encourage the man to Pursue their Journey. This account Pleased the Officers very much; But it Rather increased the muting among the Men for they looked upon the Report to be formed only to Draw them so much farther from home, & said were the game ever so plenty it was Impossible to Support 340 men by it as there was nothing Else to Depend upon & if they Proceeded any Further they must Inevitably Perish with hunger which they looked upon to be more In-glorious than to Return & be yet servicable to their Country when properly Provided for. These & many other weighty Arguments they made use of but thro the whole they laid great part of our misfortunes on the Co-m-es for not Providing properly for such a Number of Men as we had not above 15 Days Provisions when we Left Fort Frederick to support us on a Journey of near 300 Miles as we suppose Mr. Morton arrived and Informed me that he had Delivered my Letter to ye Major who could hardly believe the Contents & said he had often seen the like mutiny among soldiers & it might Easily be settled. 8 of Capt Smith's men went off & Bledsher & Gredin wth gm

Fryday 12th It Rained very much all night. in the morning I sent Mr Paul to meet the Major & hasten him down The soldiers being all Ready to march up ye Creek 9 or 10 of my Company had their Bundles on their Backs & was about to march. after spending some time Reasoning with them about going I was Obliged to Disarm them & take their Blankets by force They had not been Disarmed above half an hour untill 5 of them went off Privately & left their Guns. I soon Missed them & sent Mr Robinson & one other man after them who met them at some Distance & Brought them back to the Camp. Capt Wodson arived & with some of his Company & Informed us that his Canoe overset & Lost his Tents with Everything Valluable in her. That Major Lewis's canoe was sunk in the River & that ye Major Capt Overton Lt Gun & one other man had to swim for their Lives & that several things of Vallue was Lost Particularly five or Six fine Guns. Major Lewis Lt McNeal & Mr Chew arrived who Informed us of their trying Shipwreck which had Detained the Major so long, that he had Left Capt Hog with his Company to bring Down the Canoes & Baggage for which horses must be sent, & he told me he had seen Bledsher & nine other men going off & they Informed him it was with their Officers Consent & that the Officers would have gone with them if they were not afraid of their Comrs Colby Chew brought in a little Bear & took it to my Tent wher the Majr Lodged that night by which I had a good Supper & Breakfast which was a Rarity.

Saturday morning ye 13th Major Lewis give Orders to each Capt to Call his Company Together Imediately which was done & the Major told the Soldiers that he was Informed of their Design to go home & that he was much surprised at it, that he hoped they would alter their Intentions of Desertion & mutiny & would pursue the Journey. he Likewise Set forth the Ill Consequenses that would Certainly attend Such Conduct & that they would be well supported when they got in to the hunting ground which he was apprehensive must be very nigh & horses would support them for sometime notwithstanding all that could be said they appeared obstinately bent to go home for if they went forward they must Perish or Eat horses neither of which They were willing to do. Then the major stepped of[f] some Distance & Desired all that was willing to Serve their Country Share & his Fate to go with him all the Officers and some private men not above 20 or 30 Joined him. Upon which Mountgomeries Vollunteers marched off & was Imediately followed by my Company & Smiths. 4 Private men & my Lts staid with



me. Capt Woodson kept his Company together all Day under a pretence of marching Down the Country some other way which was only to Draw one Days Provisions for them, (for we had killed a Buffalo) Major Lewis Spoke to Old Antocity who appeared much Grieved to see the men Desert in such a manner & said he was willing to proceed but some of the warriors & their young men was yet behind & he was Doubtful of them but he would send off a messenger to them & bring them Down, (which he did) That the White man could not suffer hunger like the Indians who would not Complain of hunger. Capt Pearis & Col. Stewart Came to the Camp this morning & Informed us that one of Capt Breckinridges Men was Drowned the Evening before attempting to Cross the River for some meal. Indeed hunger & want was so much Increased that any man in the Camp would have Ventured his life for a Supper. A Small Quantity of wet meal was brought in, I see about one pound given to 12 men & one of them bought a share which he give 2/ for, one Isaac Mayo offered 13 Day hire as a Packhorsman for 2lbs of Bears meat. So that it is Impossible to Express the abject Condition we were in both before & after the men Deserted us, except when a little fresh meat was brought in which would not last any Time nor had it any Strength to suport men, as the salt was all Lost Mr Paul was ordered off with a party of men to Capt Hog to bring the Bagage & on his way killed a Buffalo. Mr Dunlops Vollunteers went off in the afternoon An acct of ye Miles we marched each Day on our Journey to the Shawnese Towns—

	Miles
From F. P George to Cyphers.....	15
2d Day to R Halls.....	15
3 Days march to F Frederick.....	15
Thursday 19th Feb to Wm Syers.....	20
F. 20th Mc Cauls.....	13
Sunday 22 to Mcfarlands.....	7
Monday 23d to Bear Garden.....	10
Tuesday 24 Burkes Garden.....	4
Thursday 26 ye head of Clinch.....	10
Saturday 28 ye head of Sandy Creek.....	10
Sunday 29 Down Sandy Ck.....	12
Monday 1st of March.....	6
Tuesday 2d.....	3
Wednesday 3.....	10
Fryday 5.....	15
Saturday 6.....	2
Sunday 7 first Division.....	7
Monday 8 .....	7

LIEUT. THOMAS MORTON'S FRAGMENT OF A DIARY

March 1756

Copy by Dr. L. C. Draper

in

THE DRAPER MSS.

WISCONSIN STATE HISTORICAL SOCIETY LIBRARY

Madison, Wisconsin.

Wednesday 3d. (March). We crossed the creek nineteen time in about eight miles.

Thursday 4th. We marched four miles, and crossed the creek fourteen times.

Friday 5th. We marched twelvemiles and crossed the creek twenty-four times. The creek is now in general about forty-five or fifty yards (wide.)

Saturday, ye 6th. We proceeded to the fork of the creek, and crossed the North Fork, and took up camp, and turned our horses out among the reeds (cane), and concluded to stay all night. This is the sixth day that we have been at the allowance of half a pound of flour a man per day, and several of our men were much disgusted to see that they were pinched for want of provisions, and Capt. Hogg had corn plenty to feed his horses till he came to this place, and here they ate the last of it. This night one of the volunteers killed an elk, and the Indians took half of it from them, as they were just perished, which disgusted the volunteers very much.

We were now in a pitable conditon, our men looking on (one) another with tears in their eyes, and lamenting that they had ever entered into a soldier's life; and, indeed, our circumstances were very shocking, for in our camp were little else but cursing, swearing, confusion, and complaining, and among our officers much selfishness and ambition, which naturally produced division and contention, and a discouragement in all the thoughtful. For my part, I had been for several days satisfied that without a great alteration we should meet with nothing but confusion and disappointment, for I am certain it would have been dishonorable to God to have granted us success on such conduct, for that neglected thing, Religion, was hissed out of company with contempt as though it had carried a deadly infection with it.

Majr. Lewis till now hath in general behaved with sobriety and with prudence, but always seems somewhat on the reserve to the Virginia Captains and companies; and I never can find that there has been one regular council since we marched; but from what we can gather, it is generally believed, that Capt. Hogg has the whole matter at his discretion. Whether Capt. Hogg had a right to command, I know not. this I know, that when Maj. Lewis would offer anything, he (Capt. Hogg) by an overforwardness would direct as he saw proper, and his sentiments generally were followed as a standing rule, and by this means the men were imposed on, for common soldiers were by him scarcely treated with humanity. The conduct and concord that was kept up among the Indians might shame us, for they were in general quite unanimous and brotherly.

This night, Maj. Lewis hath concluded to tarry here and make canoes, and Sabbath morning, the 7th, he came early to our tents, and ordered that all our axes, with some of the best of our axmen, should go immediately to making a canoe, for to carry the public stores, for our pack horses were now giving out of the small number left of them. We have had nothing but one half a pound of flour [per day] since Friday night, only a half pound of butter per man. Times being so hard, that our strength is now almost exhausted, and [we have] never been allowed to hunt but very little, and now we are not able, and if we were, this place is barren, so that there is little or nothing to be killed.

Notwithstanding the way was thought to be impassable wit horses, yet Capt. Smith, Breckenridge and Preston, with their whole companies and chief of both companies of volunteers set off to go down the Creek to seek for provision. Half of Capt. Woodson's, and part of Capt. Overton's company likewise; but we had not gone above two miles before we were obliged to turn up a small creek, a difficult, rocky and very bad way and forced to cross a steep and high mountain, and so fall on such or another creek, and make down to the large creek, and there were obliged to take up camp this night, about six miles below the Fork.

Our case grew more and more lamentable as the way was now much worse than ever and the Creek was impassable by horses, and the mountains higher and worse than ever, on all accounts, and lying in larger cliffs on the river. Monday, the 8th of March, we being so extremely straited for provisions, the best hunters of every company set out very early this morning, and after traveling about two miles down the Creek, we parted, and turned into the mountains, and hunted all day without success; and this day those who conducted the horses along were put to very great straits, for they were obliged to leave the Creek, and cross two large mountains, going up the last of which three of the horses tired and could go no further, and before they left the creek one of them fell down a cliff about the distance of twenty feet or such a matter, into the Creek; but falling on his load, he was through it preserved, so that he was recovered, and carried his load all day. In the evening, as we were going down a small creek, which made more low grounds than usual, one of the volunteers being foremost met with a gang of elks, and killed two of them a very seasonable relief to us all, for one of them was divided among the companies, but not equally, for Capt. Smith took half of it, saving the backbone, and the meat was chiefly cut off of it. Capt. Preston with Capt. Breckinridge and myself shared the small matter that we had which came to two pounds per man, but near half of it was bone; and we are now suffering very much for want of provisions, and a great part of the men that we have here, have fallen this day on a resolution to go back, for we can see nothing before us but inevitable destruction.

## CHAPTER IX

### SWIFT'S SILVER MINES

#### I

#### PRELIMINARY

Whether John Swift discovered or even visited any silver mines—whether he at any time worked mines discovered by himself or other persons in what is now the State of Kentucky—may never be certainly known. But it would seem that there can exist little doubt that John Swift and his associates were among the very first of English-speaking people to visit and remain for any considerable length of time in that region embraced in Eastern Kentucky. There seems to be sufficient evidence upon which to base the conclusion that they threaded the sunless mazes of the primeval wilderness in pursuit of some definite object; and this object was of enough importance to cause them to make annual journeys into the unexplored valleys between the Ohio River and the Cumberland Mountains for a period covering ten years.

That there is at this time lying concealed in the states of Kentucky, Tennessee, West Virginia, Pennsylvania, Virginia and the Carolinas, treasures aggregating an immense sum, left in the rude wilds of that unexplored land by Swift and his men, has been the unshaken conviction of many people there for more than four generations.

In early times the belief in the existence of these mines was widespread. Their supposed locations were set down in the maps of that day. On the map in the first edition of Imlay's *America*, published in London by J. Debret, February 1, 1793, we find these mines marked as lying about the head waters of the Kentucky and Big Sandy rivers.

But the important question is not whether these mines had any existence in fact, but whether Eastern Kentucky was visited and explored during the ten years from 1760 to 1770 by Swift and his companions. There is good reason to believe that Swift and his associates visited Eastern Kentucky, as is affirmed in Swift's *Journal*. The fact does not rest solely on either the *Journal* or tradition, nor on any combination of the two. It is based to some extent at least on statements of some of the best and most careful historical writers of the time.

It is remarkable how the search for the precious metal engrossed the first settlers of America as well as the adventurers and explorers. The early Virginians prosecuted this search to the neglect of other matters. They sent a shipload of shining sand to England in the full belief that it was gold. We are told that all other matters were subordinated to this search. One historian informs us that "The successful establishment of a colony was of much less importance than the searching for mines of gold or explorations westward by navigable rivers. In the summer of the following year Captain John Smith explored the Chesapeake Bay to the Susquehanna, entering into all the rivers and inlets as far as he could sail, of all of which he constructed an admirable map. In the fall of the same year Captain Newport returned from a visit to England with a private commission 'not to return without a lump of gold, a certainty of the South Sea, or one of the lost colony of Sir Walter Raleigh.'"

In his Journal Swift attributes the discovery of these mines to the Spaniards, as he does also the lead mines of Western Virginia. This view is supported by the following memorandum:

"Sir William Berkely, Governor of Virginia, was informed by the Indians, in 1748, 'that within five days' journey to the Westward and by South there is a great high mountain, and at the foot thereof great Rivers that run into a great Sea; and that there are men that come hither in ships (but not the same that ours be), they wear apparel and have reed caps on their heads, and ride on Beastes like our horses, but have much longer ears, and other circumstances they declare for the certainty of these things.' These rivers doubtless were those now known as the Kanawha, Kentucky, Cumberland and Tennessee, whose waters flow from the western slope of the Allegheny Mountains to the Ohio and Mississippi and into the Gulf of Mexico, long before frequented by Spaniards."

## II

### EARLY TRADITION OF THESE MINES

Legends and traditions of Swift's Silver Mines exist in Pennsylvania, Virginia, West Virginia, Kentucky, Tennessee and the Carolinas. Traditions concerning them or some other silver mines that were worked by the early explorers and Indians exist in Georgia and Alabama.

James Adair was among the first Indian traders with the Cherokees. When the English were first exploring the head waters of the Holston and Clinch rivers he was carrying on a profitable trade with the Overhill Cherokees. He writes in his book that:

"Within twenty miles of Fort Loudon there is a great plenty of whet-stones for razors, of red, white and black colours. The silver mines are so rich, that by digging about ten yards deep, some desperate vagabonds found at sundry times, so much rich ore as to enable them to counterfeit dollars to a great amount, a horse load of which was detected, in passing for the purchase of negroes at Augusta."

And the following is from *Ramsey's Tennessee*:

"A tradition still continues of the existence of the silver mines mentioned thus by Adair. It is derived from hunters and traders who have seen the locality and assisted in smelting the metal. After the whites had settled near and began to encroach upon the Overhill towns, their inhabitants began to withhold all knowledge of the mines from the traders, apprehending that their cupidity for the precious metals would lead to an appropriation of the mines, and the ultimate expulsion of the natives from the country. The Mr. De Lozier, of Sevier County, testified to the existence and richness of mines of silver, one of which he worked at, in the very section of the Cherokee country described by Adair."

As it is the design to give here all the information which it has been possible to obtain on the subject of Swift's Silver Mines, official documents must not be neglected. Some geologists seem to be of the opinion that no silver ore exists, and that none ever did exist, in the region where Swift is said to have found it in such quantities.<sup>1</sup>

<sup>1</sup> The Geological Survey of Kentucky, in its *Preliminary Report on the Geology of the Upper Kentucky River*, gives this discouraging information:

"Considerable time and means having been spent in desultory and unavailing search for silver in various localities of this region, as well as elsewhere in this coal field, it is desirable to state that as yet no indication of any deposit of silver ore worth exploitation has ever been discovered in the Appalachian coal fields; and also that no true vein of any kind has been found in the eastern field of the State, excepting the one here described under the caption of iron ore. From these facts, after such investigation in this field as has been made, it may be assumed as reasonably certain that no paying quantity of silver ore will be found

## III

## WHAT HISTORICAL WORKS SAY

Many references to Swift's Silver Mines have appeared in authentic historical works of the states in which the traditions concerning them exist. They are mentioned in Collins' *History of Kentucky*, in connection with Bell, Carter, Laurel, Floyd and Wolfe counties.

The mention made under the head of Floyd County is very brief and is as follows:

"The first white visitors upon the territory of what is now Floyd County were probably one or more parties who came to Eastern Kentucky at different dates before the Revolutionary War in search of Swift's Silver Mine, and worked it."

There was knowledge of these mines before Swift brought information of them into the frontier settlements of Virginia, Pennsylvania and North Carolina. It is true that he brought the most definite knowledge of them which had been conveyed from the wilderness of the Ohio Valley at that time. But a vague form of this knowledge had been current on the frontiers for many years prior to Swift's first journey, in 1760. The surviving soldiers returned from the campaign in which the unfortunate Braddock lost his life with this knowledge much increased, and they were eager to plunge into the wilds in search of the mines.

Under the head of Wolfe County, Collins has a more extended notice of these mines. It is as follows:

"Swift's Silver Mine is too beautiful and fanciful to be confined to those counties (Bell and Carter), but must needs have a local habitation also in Wolfe County—on Lower Devil Creek, six miles in an air line from Compton, the county seat (which is thirty miles from Mount Sterling). Swift's name is carved on both rocks and trees—by whom it is not known.

"In February, 1871, three Cherokee Indians (two men and a squaw) came from the Indian Territory to Irvine, Estill County, Kentucky; thence about fifteen miles east to the farm of Jacob Crabtree. One of the men, who claimed to be a young chief, was educated, talked English, and was well informed about minerals. The object of their journey was quite mysterious—except that it seemed to have connection with the time-out-of-mind tradition about Swift's Silver Mine; indeed, the Indians said they were within half a day's journey of that mine. Leaving the squaw at Crabtree's, the Indians followed up Little Sinking Creek to its source, crossed over onto Big Sinking Creek, and after riding some miles hitched their horses; then warning the whites who out of curiosity were following at a little distance that they would turn back if followed further, disappeared in a thick undergrowth. Late in the evening they returned to Crabtree's bearing upon their horses two buckskin sacks or bags heavily laden. By their sacks one of the Indians kept watch all night with a revolver in his hand, and in the morning the three departed on the return road toward Irvine. The whites went immediately to the neighborhood visited by the Indians, but did not succeed in finding any mineral but iron ore.

"Two caves, known as the Ashy and the Bone (or Pot) caves, are about a mile apart, on lower Devil Creek. In the latter, on a visit in

it, though it is beyond dispute that occasional silver-bearing ore has been found in exceedingly small quantities. The rugged conglomerate cliffs, which have attracted the most search, are not more likely to contain silver than other smoother surfaces. The legends of Swift and his concealed silver mines and treasures, current in the mountains from Pennsylvania to Georgia and North Carolina, may be left to those who wish to believe them. It should be known, however, that the North American Indians had no knowledge of mining or metallurgy."

1871, were found (27) twenty-seven pots or crucibles, about ( $1\frac{1}{2}$ ) one and one-half feet across and same depth, in three rows of nine each, and each pot of about a barrel capacity. The road to it, although unused for many years, was plainly perceptible—being worn down four or five feet deep, and with trees apparently one hundred to one hundred and twenty-five years old growing in it. A large deposit of sulphur, in ore or rocks, and deposits of iron and bismuth are found near, but with no road leading to them."

Collins speaks incidentally of Swift's Silver Mines in connection with the murder of Col. James Harrod, under the head of Mercer County. Colonel Harrod was the founder of Harrodsburg, Kentucky, which, says Collins, "has the honor of being the first settled place in the State of Kentucky." In many respects Colonel Harrod was a remarkable man, and Kentucky has reason to be proud of his memory. His murder was deeply deplored. Collins says:

"Dr. Christopher Graham (still living, June, 1873, at the ripe age of 87) settled at Harrodsburg in 1819, and was the family physician of Gen. James Ray, Mrs. Ann Harrod (widow of Col. James Harrod), and others of the earliest pioneers of Kentucky, and acquainted with Daniel Boone, Simon Kenton and other prominent contemporaries. From their lips he took down in writing many incidents of pioneer adventure, some of them wonderful and others of most thrilling interest. In a series of letters to the author, in the summer and fall of 1871, Dr. Graham communicated a number of these incidents, several of which are given herein to the public:

"Mrs. Harrod told Dr. Graham that her husband was murdered by a man named Bridges, with whom he had a lawsuit about property. They had not spoken together for some time. Bridges left for a few weeks, professing to go in search of Swift's Silver Mines—which many have hunted for even down to the present day. On his return, Bridges approached Harrod and said, 'Colonel, I have found Swift's mine, and though we have been at outs, I have confidence in you and prefer you as a partner to any man in Kentucky, and you have the means to work the mine.' When Colonel Harrod told this to his wife, she earnestly opposed his going, and insisted it was a plan to murder him. This suggestion only made him more determined, and he replied that 'he was not afraid of any living man.' She prevailed upon him to let a third man into the secret and take him along. They reached the Three Forks of the Kentucky River, where Bridges said the mine was, stationed a camp, and each started out for game—Harrod taking the bank of the river, Bridges a few hundred yards from him, and the third man kept close by. In a very short time this man heard the report of a gun exactly where he thought Col. Harrod might be, and supposing he had killed a deer, returned to camp. There he found Bridges, who professed to be very much alarmed; he said he had seen fresh Indian 'sign' and felt assured that Col. Harrod was killed. Despite the protestations of this third man, Bridges started back, and he, rather than be left alone, followed shortly after. Bridges took some furs and skins to Lexington, where a hatter had opened a shop. To him he sold his furs, and also a pair of silver sleeve-buttons with the letter *H* engraved upon them. These buttons being sent to Mrs. Harrod, she at once recognized them and said her husband had worn them off, upon his linen hunting-shirt. A party of men started immediately for the Three Forks, and found the bones of Colonel Harrod—picked bare by the beasts of the forests, but recognized the hunting-shirt with the buttons gone. Bridges, said Mrs. Harrod, in relating the sad story, took the alarm, left the country, and never returned. The exact date of his murder is not given, but it was probably in July, 1793. The records of the Harrodsburg Trustees show that on August

30th, 1793 (because of his recent death), Harrod's seat in the Board was declared vacant, and a successor chosen."

Colonel Harrod was a man of great prominence in Kentucky. He was born in Bedford County, Pennsylvania, in 1742, and grew up in the country in which Swift and his associates had many of their transactions in which they may have been personally known. His readiness to go in search of the mines shows conclusively that the existence of the mines was believed in by men who had every opportunity to know the truth, and who stood highest in the land in the pioneer days. No other class of men detested frauds so much as the early settlers of Pennsylvania, Virginia and Kentucky, and no other persons in the world were quicker to discover them and punish them than these same keen, cool, skillful hunters, backwoodsmen—heroes who carried civilization into the Western wilderness at the cost, in many instances, of their lives. They had opportunities for knowing Swift and his associates and of knowing of their transactions, and they believed in the existence of Swift's Silver Mines. And it is possible, even probable, that much of the silver coin in circulation in Western Virginia and Kentucky was known to have been coined by Swift, who was in all probability living yet in 1793. We know that he was at Bean's Station, in East Tennessee, in 1791. (See quotation from Haywood under Bell County, this chapter, *post.*) When most of the parties engaged in working these mines were yet living, and every facility existed for disproving their claims had they been false, men of such standing as Harrod, who had been brought up on the frontier and knew from personal observation every stream and mountain in Western Virginia, Tennessee, Pennsylvania, Ohio and Kentucky, were so well convinced of the existence of these mines that a doubt of it never entered their minds.

Dr. R. G. Thwaites, secretary of the Wisconsin State Historical Society, said of Colonel Harrod:

"James Harrod's father emigrated from England to Virginia about 1734 and was one of the first settlers on the Shenandoah, in the Valley of Virginia. One of his sons, Samuel, accompanied Michael Stoner on his famous Western hunting and exploring trip in 1767. Another, William, born at the new family seat, at Big Cove, in what is now Bedford County, Pa., served with distinction under George Rogers Clark. James, born in 1742, was twelve years old when his father died, leaving a large family on an exposed frontier, at the opening of the French and Indian war. In November, 1755, a raid was made on the Big Cove settlement by the Delaware chief, Shingiss, but the Harrods were among the few families who escaped unharmed to Fort Littleton. When James was sixteen years of age he served with his brother William on Forbes' campaign, and very likely saw further service during the war. In 1772, when he had attained wide celebrity on the border as an adept in woodcraft, he helped William settle on Ten Mile Creek, a tributary of the Monongahela; and in 1773 he and several others explored Kentucky, returning home by way of Greenbrier River. We have seen that he was surveying the site of Harrodsburg in 1774, when warned by Boone and Stoner. Retiring with his men to the Holston, he and they joined Colonel Christian's regiment, but arrived at Point Pleasant a few hours after the battle of October 10. Returning to his abandoned Kentucky settlement, March 18, 1775, a fortnight before Boonesborough was founded, he was chosen a delegate to the Transylvania convention, and became a man of great prominence in the Kentucky colony. In 1779 he commanded a company on Bowman's campaign, declining a majorship; he served as a private on Clark's Indian campaign of 1782. He was a member of the Kentucky convention (at Danville) of December, 1784, and at one time represented Kentucky in the Virginia Legislature. In February, 1792, hav-



ing made his will, he set out from Washington, Mason County, Ky., with two men in search of a silver mine reported to be at the Three Forks of the Kentucky River. No more was heard of him or his companions, and it is still the belief of the family that the latter murdered him. He was survived by his wife and a daughter and left a large landed estate. Harrod, although unlettered, was a man of fine presence and many sterling qualities, and made a strong impression on his generation. He is still remembered in Kentucky as one of the worthiest pioneers of that State."

There are some errors in this account of Doctor Thwaites, as will appear by comparing it with that quoted from Collins. It is reasonable to suppose that Collins obtained the exact facts from Doctor Graham.

#### BELL COUNTY

Notices appear under head of various counties of Kentucky in *Collins' History of Kentucky*. In Volume II, page 414, under *Josh Bell County*, appears the following:

#### SWIFT'S SILVER MINE

"In 1854-5, while making geological investigations in the Southeast part of Kentucky, as part of the official survey of the State, Prof. David Dale Owen examined the supposed location of the notorious Swift Mine on the northeast side of Log Mountain, only a few miles from Cumberland Ford, then in Knox County, now in Josh Bell, or rather, Bell County. The Indians are said in former times to have made a reservation of 30 miles square, on a branch of the Laurel Fork of Clear Creek. Benjamin Herndon, an old explorer and a man well acquainted with the country, guided him to a spot where the ore was supposed to be obtained by the Indians, and afterwards by Swift and his party. It proved to be a kidney-shaped mass of dark-gray argillaceous iron stone, containing some accidental minerals sparingly disseminated, such as sulphuret of zinc and lead—which proved on examination to be hydrated silicate of alumina. This ore originated in a thick mass of dark bituminous argillaceous shale, with some coal interstratified, that occurs about 500 to 600 feet up in the Log Mountain.

"Judge John Haywood, who emigrated from North Carolina at an early day to Tennessee, and a year after, in 1823, wrote its civil and political history from its earliest settlement up to the year 1796, says of this locality—

"Cumberland Mountains bear N. 46° E.; and between the Laurel Mountain and the Cumberland Mountain, Cumberland River breaks through the latter. At the point where it breaks through and about ten miles north of the State-line is Clear Creek, which discharges itself into the Cumberland, bearing northeast till it reaches the river. It rises between the great Laurel Hill and Cumberland Mountain; its length is about fifteen miles. Not far from its head rises also the South Fork of the Cumberland, in the State of Kentucky, and runs westwardly. On Clear Creek are two old furnaces, about half way between the head and mouth of the creek—first discovered by hunters in the time of the first settlements made in this country.

"These furnaces then exhibited very ancient appearances; about them were coals and cinders—very unlike iron cinders, as they have no marks of the rust which iron cinders are said uniformly to have in a few years. There are also a number of the like furnaces on the South Fork, bearing similar marks, and seemingly of a very ancient date.

"One Swift came to East Tennessee in 1790 and in 1791; and was at Bean's Station, on his way to a part of the country near which these

furnaces are. He had with him a Journal of his former transactions—by which it appeared that in 1761, 1762, and 1763, and afterwards in 1767, he, two Frenchmen, and some few others, had a furnace somewhere about the Red Bird Fork of Kentucky River—which runs toward Cumberland River and Mountain northeast of the mouth of Clear Creek. He and his associates made silver in large quantities at the last mentioned furnace; they got the ore from a cave about three miles from the place where this furnace stood. The Indians becoming troublesome, he went off; and the Frenchmen went towards the place now called Nashville. Swift was deterred from the prosecution of his last journey by the reports he heard of Indian hostility, and returned home—leaving his Journals in the possession of Mrs. Renfro.

“The furnaces on Clear Creek, and those on the South Fork of the Cumberland, were made either before or since the time when Swift worked his. The walls of these furnaces, and horn buttons of European manufacture found in a rockhouse, prove the Europeans erected them. It is probable, therefore, that the French—when they claimed the country in the Alleghanies in 1754, and prior to that time, and afterwards up to 1758—erected these works. A rockhouse is a cavity beneath a rock, jutting out from the side of a mountain, affording a cover from the weather to those who are below it. In one of these was found a furnace and human bones, and horn buttons supposed to have been a part of the dress, which had been buried with the body to which the bones belonged. It is probable that the French who were with Swift, showed him the place where the ore was.”

The work from which Collins quoted the above is *The Civil and Political History of the State of Tennessee*, by John Haywood. He was born in North Carolina, was a lawyer, and rose to eminence in his profession. At an early period of his professional life he was a judge of the Supreme Court of his native state, and his decisions are now a part of the law of that commonwealth. He came to Tennessee very early after its settlement and was for almost all the remainder of his life either a judge of a Circuit Court or of the Supreme Court of Tennessee. He was one of the ablest judges that ever occupied the bench of the Supreme Court of that state, and is spoken of as having laid the foundation of the judiciary of Tennessee. He wrote other books, and they are of the highest character. His *History of Tennessee* is one of the most valuable historical works ever written of any state. Judge Haywood had evidently examined the journal of Swift before he wrote that book, and he settles the point of the existence of a genuine journal of John Swift. Collins is convinced on this point, and says:

“A Memorandum of John Swift's Journal has fallen into our hands, which is an exceedingly curious document. It has the appearance of being a copy of a portion of the same document referred to above by Judge Haywood. It describes with some minuteness the journeys of 1761 (which began at Alexandria, Virginia), 1762, 1764, 1767-8, and 1768-9, and alludes to three other trips of which he kept no account.

“On the 1st of September, 1769, we left between 22,000 and 30,000 dollars and crowns on a large creek, running near a south course. Close to the spot we marked our names (Swift, Jefferson, Munday, and others) on a beech tree—with a compasses, square, and trowel. No great distance from this place we left \$15,000 of the same kind, marking three or four trees with marks. Not far from these, we left the prize, near a forked white-oak, and about three feet under ground, and laid two long stones across it, marking several stones close about it. At the Forks of Sandy, close by the forks, is a small rock; has a spring in one end of it. Between it and a small branch, we hid a prize under the ground; it was valued at \$6,000. We likewise left \$3,000 buried in the rocks of the rockhouse.”

"One of the companies in search of the mine was Staley, Ireland, McClintock, Blackburn, and Swift."

Collins says this copy was furnished him by Col. William G. Terrell, from the papers of Wood C. Dollins, of Mount Sterling, Kentucky.

#### CARTER COUNTY

We find Carter County, Kentucky, often mentioned in connection with Swift's Silver Mines. Many of the traditions told in Eastern Kentucky about these mines located them, or some of them, in Carter County. Collins did not fail to secure some information locating these mines in this county, as witness:

"This Silver Mine of Swift's had been located by tradition in different counties in Eastern Kentucky, from Josh Bell in the Southeast to Carter in the North. The most recent claim is that of the *Greenup Independent*, in February, 1873, of which the following is an extract:

"When Swift was driven from the silver mines in Kentucky by the approach of hostile Indians, he returned to his home in North Carolina. The money which he had with him created suspicion among his neighbors, and he was arrested as a counterfeiter. In those days there existed no mint in the United States, and the only test of the circulating money was the purity of the metal. Upon the trial of the case against Swift, it was proven that the coins in his possession were pure silver, and the charges were dismissed.

"The ancient tools and instruments used for coining money which fell from a cliff in Carter County were seen and examined by men now living. These men are highly respectable and entitled to full credit, and they vouch for the truth of the statements. One of the first settlers of the county found near his cabin a quantity of cinder, of such unusual color and weight as to induce him to have it tested by an expert. This was done, and the result was a considerable amount of pure silver, which at his instance was converted into spoons; these spoons are still in the possession of the family.

"Several years ago a couple of Indians, from the far West, visited Carter County, and acted in such a manner as to excite the attention of the citizens. They remained for a considerable time, and were continually wandering over the mountains and making minute examinations of the country along the small streams. When about to leave, they told an old gentleman with whom they had stayed that they were in search of a silver mine which the traditions of their tribe located in that section of Kentucky, but they were unable to find it, owing to the changed condition of the country.

"At an early day, silver money was in circulation in the settlements of what is now West Virginia, said to have been made by Swift. It was free from alloy, and of such a description as to indicate that it never passed through an established mint.

"A bar of pure silver was found many years ago near a small mill in Carter County, which was thought to have been smelted from ore obtained from the silver mines said to exist in that country. And, within the past few days, a piece of ore which has every appearance of silver ore, and a small quantity of metal which is said to be silver, was shown by a gentleman of undoubted veracity, who testifies that he got the ore in the mountains of Kentucky, and with his own hands melted the metal from ore obtained in these mountains."

#### LAUREL COUNTY

Collins says, also, under the head of Laurel County:

"Swift's Silver Mine was supposed, in 1846, to be in Laurel County."

There is little doubt that Swift and his associates passed through that country more than once.

#### IV

##### THE SHAWNEES AND THESE MINES

The Shawnee Indians sustained peculiar relations to Swift's silver mines. Some members of the tribe accompanied Swift and aided in locating and operating the mines. Remembrance of these mines remained in the tribe long after it migrated to the Golden West. Shawnees have from time to time gone into the mountains of Eastern Kentucky to search for hidden treasure told of around camp fires for three generations. Occasionally an old map of the regions roamed over by Swift and his associates has come to light in the lodges of the Shawnees beyond the Mississippi. No other tribe of Indians ever had anything like the interest in this matter shown by the Shawnees.

About the year 1870 (possibly a year or two later) an intelligent and well informed Shawnee Indian came to the vicinity of Rule's Mill and Little Mudlick Creek, in Johnson County, Kentucky. He carried with him a number of rude maps by the aid of which he said he had come to that particular locality; and he said that by their help he expected to discover some casks of coined silver concealed there by some Shawnees, among them his ancestors, while in the service of John Swift more than a hundred years before. He had served in one of the Kansas Indian regiments in the Civil war, and he had a soldier's contempt for danger. When told he might be harmed and even murdered by vagabonds or evil-disposed persons he said he could give a good account of himself if attacked.<sup>2</sup>

The Shawnee was mounted upon a huge jack which was as black as a coal, and to which he seemed much attached. Some of the residents of the country desired to secure this animal for breeding purposes, and offered the Shawnee a fair price for it, but to no purpose. He offered to sell another animal he had, a very good horse, and perhaps did sell it before he had accomplished his designs there. The trappings of his mount were ornamented most profusely with silver settings, nails and rosettes.

Cornstalk carried a number of buckskin bags of different sizes, and in one of these he carried tools for digging. He spent much of the time every night searching for the treasure for which he had come from the Indian territory. By day he could be found at the old mill—then abandoned—constructed of the drilling outfit of an oil well which had been put down there to no purpose. This old mill was his camping-place.

The Shawnee remained about the mouth of Little Mudlick Creek some four or five weeks. The last week he was not seen so much about his camp, but was observed along the high cliffs in the big bend in Paint Creek below Rule's Mill. At dusk one day he passed Rule's Mill, going up Big Paint Creek. There had been rain, and there was a head in the millpond. The mill was grinding, and several people were gathered about the mill yard. The buckskin bags were filled and slung across

<sup>2</sup> This was the first Indian to visit that country in half a century or more, except possibly an Osage brought in by a traveling mathematician and lecturer named Dodge for advertising purposes. He gave his name as Cornstalk. His dress it is said by those who saw him, conformed closely to the Indian standard of fashions, though a mixture of the garbs of savagery and civilization, being made principally of dressed buckskin and ornamented with broad fringes, beads of different colors, and porcupine quills. He wore a broad-brimmed high-crowned hat made of white felt, something after the style of the Mexican head dress. In the band of this hat were securely fastened a number of large feathers evidently taken from the plumage of the eagle. His coat, which was much like the hunting-shirt of the pioneers, had some silver ornaments in the way of buckles and buttons.

the saddle. The jack seemed heavily laden, so much in fact that the Indian was walking and driving the animal before him. There had been drinking at the mill, and as the Indian passed he was rudely accosted. A jockey or horse-swapper, a quarrelsome and worthless character, shook the buckskin bags, and the bystanders were sure they heard the clinking and jingling of silver coin.

The next morning the jack was found wandering about on the bank of the creek below the mill and on the opposite side of the creek from the road, and without bridle or saddle. The Shawnee was never seen or heard of again in that vicinity. A skeleton was found some years afterwards in a cliff of rugged rocks in a wild and unfrequented place on Big Paint Creek above the mill; and with it were found a buckskin moccasin worked with colored beads, and decaying fragments of other buckskin garments. Twenty years ago parts of this skeleton could be seen in the office of a physician in Paintsville, Kentucky.

When it became known that the Shawnee had disappeared, leaving his jack, there was some excitement in the country about Rule's Mill, and some persons were under suspicion and even under surveillance for a time. The excitement died down, and some of the parties went to North Carolina. The jockey moved to Carter County, Kentucky. It was generally known who killed the Shawnee, but there was no direct evidence of the fact. That the Shawnee had found the hidden treasure for which he was searching there is little doubt—in fact there never was any doubt. And that he was robbed and murdered is certain.<sup>3</sup>

#### THE BLUE-JACKETS AND SWIFT'S SILVER MINES

The Blue-Jacket family is one of importance and influence in the Shawnee tribe of Indians. The first chief of the family of which history gives account was Weyapiersenwah, who was in command of the Indians' forces defeated by General Wayne. His descendants have always been chiefs in the Shawnee nation. In *Drake's Life of Tecumseh* is to be found the following:

"We are indebted to Major Galloway, of Xenia, for the following anecdote of this chief:

"In the spring of 1800, Blue-Jacket and another chief, whose name I have forgotten, boarded for several weeks at my father's, in Green County, at the expense of a company of Kentuckians, who engaged Blue-Jacket, for a valuable consideration, to show them a great silver mine, which the tradition said was known to the Indians as existing on Red River, one of the head branches of the Kentucky. A Mr. Jonathan Flack, agent of this company, had previously spent several months among the Shawnees, at their towns and hunting camps, in order to induce this chief to show this great treasure. At the time agreed on, ten or twelve of the company came from Kentucky to meet Blue-Jacket at my father's, where a day or two was spent in settling the terms upon which he would accompany them, the crafty chief taking his own

<sup>3</sup> Long years afterwards, in Kansas, William E. Connelley made inquiry about this Indian murdered near Rule's Mill. Charles Blue-Jacket, one of the principal men of the Shawnees and a chief, told him that the Indian was a grandson of Peter Cornstalk, and a descendant of Cornstalk, who was treacherously murdered by the whites at Point Pleasant. He was the only son of a widow who died many years ago. The maps he carried belonged to Chief Blue-Jacket, who gave him the information which enabled him to find the hidden casks. Blue-Jacket advised him to not go upon this dangerous journey, but being a young man of enterprise and courage he insisted that there was little danger. When he did not return his friends believed that he had been murdered. Mr. Connelley conveyed the first intelligence of his actual fate to his people. Blue-Jacket was very positive that he was the Shawnee to whom he had entrusted his maps. He regarded it as an impossibility that he should be mistaken in his identity after hearing the description of the Indian.

time to deliberate on the offers made him, and rising in his demands in proportion to their growing eagerness to possess the knowledge which was to bring untold wealth to all the company. At length a bargain was made, horses, goods and money were given as presents, and the two chiefs and their squaws were escorted in triumph to Kentucky, where they were feasted and caressed in the most flattering manner, and all their wants anticipated and liberally supplied. In due time and with all possible secrecy, they visited the region where this great mine was said to be emboweled in the earth. Here the wily Shawnee spent some time in seclusion, in order to humble himself, by fastings, purifications and *pow-wowings*, with a view to propitiate the Great Spirit; and to get his permission to disclose the grand secret of the mine. An equivocal answer was all the response that was given to him in his dreams; and after many days of fruitless toil and careful research, the mine, the great object so devoutly sought and wished for, could not be found. The cunning Blue-Jacket, however, extricated himself with much address from the anticipated vengeance of the disappointed worshippers of Plutus, by charging his want of success to his eyes, which were dimmed by reason of his old age; and by promising to send his son on his return home, whose eyes were young and good, who knew the desired spot and would show it. The son, however, never visited the scene of his father's failure; and thus ended the adventures of the celebrated mining company of Kentucky."

It is evident from his style of writing that "Major Galloway of Xenia" was very much of a skeptic on the subject of silver mines in Kentucky. But the search was not altogether for the mines. It was as much for the discovery of hidden treasure—perhaps more for this latter object. And the fact remains that a number of men associated themselves together to search for these mines and this hidden treasure, and put their "horses, goods and money" into the enterprise. And they believed that the Shawnee Indians possessed the knowledge of the location of mines and treasure, for they had been with Swift in his operations in that wilderness. And these men, like Colonel Harrod, were of Swift's time.<sup>4</sup>

<sup>4</sup> William E. Connelley discussed the above quotation with the late chief, Charles Blue-Jacket, and heard what he had to say in defense of his grandfather's course. He said that his grandfather went into retirement as much for the purpose of studying the maps as for religious preparation for the search, and that his defective sight made it impossible for him to rightly decipher them. This matter of imperfect sight was discussed before the agreement was made, and it was insisted by Blue-Jacket that it might be impossible for him to locate the mines and treasure because of the failing condition of his eyes. He agreed to send his son, or one of his sons, but none would go, saying that they had not been employed by the company. And their families refused to consent to their going, fearing that after the failure of the old chief the sons would be in danger should they fail. Chief Blue-Jacket gave many other reasons in justification of his grandfather's action. These same maps were carried to Kentucky by the young Shawnee murdered near Rule's Mill.

Chief Charles Blue-Jacket lost his life as the result of illness contracted in a search for the grave of the Shawnee Prophet, in Wyandotte County, Kansas. His condition at that time was in some respect similar to that of his grandfather when he made the unsuccessful search for the mines and treasure of Swift in the mountains of Eastern Kentucky. He was old and infirm, and his sight was much dimmed. So much timber had sprung up that the face of the country was changed in appearance, and fences and houses and fields and orchards added to the confusion. He was not always sure of the points he relied on for identification. He failed to point out the exact location of the grave, although he had been present at the funeral. He did identify the spot where the Prophet's cabin had stood and in the yard of which the illustrious Shawnee was buried. His over-exertion on this day brought on an illness which proved fatal in the course of a few weeks.

## V

## TRADITION TOLD BY MR. REAMS

The quotations set out in the preceding chapters, from historical works of the highest standard, conclusively show:

That there was actually such a man as John Swift—that John Swift is not a mythical character.

That he was known to have been in the Western Wilderness.

That he was reputed to have worked silver mines there and to have concealed much treasure in those wilds.

That he was of good character and entitled to credit.

That he kept a journal of his transactions.

That the knowledge of the existence of this journal was common to a part of the country of considerable extent.

That neither the genuineness of his journal nor the probability of its truth and accuracy were ever questioned by those having the best opportunity to judge of it in these respects.

And that he left his journal in the possession of Mrs. Renfro when he went away, never to be heard of again.

By Judge Haywood we are told that Swift was at Bean's Station, in East Tennessee, in the years 1790 and 1791, and that he was deterred from going on to his mines by the troublesome presence of Indians in that region. A part of this conclusion is supported by tradition; and tradition has carried down, too, some things not set out by Judge Haywood. These additional matters are given here as traditions—traditions well defined and of common recital by the old people of Eastern Kentucky and East Tennessee and other portions of Appalachian America as late as fifty years ago.

It is said in these traditions that Swift had become almost blind from some affection of the eyes; and, also, that the Frenchmen who were with him at this time were not those French companions of his former journeys, but others having a knowledge of the mines worked and the treasure hidden by Swift and their countrymen. Any weakness in a man of cupidity invariably begets suspicion and distrust of those with whom he is associated in any business enterprise. Swift evidently realized that, in his affliction, he was at a disadvantage with these Frenchmen should they choose to exercise their opportunities. He feared that they might obtain possession of the written information which he alone had concerning the mines and treasure, and render him incapable of ever again finding them—while the Frenchmen would be enabled to easily discover them, and profit from the discovery, with the aid of his journal.

It is said, also, in this connection, that Swift was desirous of procuring the hand of Mrs. Renfro in marriage. This lady was the widow of Joseph Renfro, who had been killed by the Indians in the defense of the country while it was a part of the State of North Carolina, the Legislature of which state granted his widow a large tract of land as a compensation for his loss and for claims he had then pending against the state for settlement; this grant was made in 1784. Renfro was a man of standing and consequence and a large property added to his prestige. He left his widow with a large estate. She is reputed to have been a woman of beauty and rare accomplishments, and to have lived on a large plantation near Bean's Station. Swift committed his journals to her for safe-keeping when he returned to North Carolina in 1790 and the Frenchmen descended the Cumberland River in a canoe and forever disappeared.

Swift returned to Bean's Station in 1791 and attempted to re-discover his mines and treasure, but in the meantime the disease of his eyes

had made such progress that his sight was almost wholly destroyed. He was unable even with the assistance of his journal to find any trace of his mines. He made a number of unsuccessful attempts to locate them, the last of which, it is said, he made with a dark bandage bound closely about his face and over his eyes. In this condition he was mounted upon his horse, which was led by an attendant, while other attendants, or persons employed by him, endeavored vainly to trace the course to the silver mines, as set down in his journal, and as directed by him. He might have succeeded had not the condition of his eyes compelled him to cease his efforts. Leaving a large sum of money and his journals with Mrs. Renfro, Swift returned to North Carolina to consult a half-blood Cherokee Indian physician and surgeon. This physician had been educated at Paris, and for many years he was the leading surgeon in Western North Carolina. His name was Hicks, and he was in the army of the patriots who defeated the British at King's Mountain.<sup>5</sup>

Swift never afterward returned to Tennessee. He probably died in a comparatively short time. But precisely what became of him or what fate befell him is not positively known.

The following curious tradition or account was related by the late William J. Reams, of Wyandotte County, Kansas. Mr. Reams was born and reared in Laurel County, Kentucky, and knew many of the traditions concerning Swift and his transactions.<sup>6</sup>

Swift and his company had left concealed in the wilderness treasure amounting in the aggregate to a vast sum. It was a rigid rule among them that no one member of their association should ever visit the place of concealment of any part of this hidden treasure. By a rule or law of their company Swift (who was the leading man and principal) and any three others of the company might visit the mines or concealed riches and carry out money. An account was kept and an absent member was not wronged. It seems that there is no record of any visit made either by Swift or any of the company after the trip made in 1769 until 1790, and this tradition asserts that none were made. Why no one went out in all this time is not explained.

In 1790 all the survivors of the company were gathered together to go into the wilderness and bring out the treasure left there in former days when the full company worked so persistently in the mines. This party was composed of Swift, Munday, McClintock, the two Frenchmen, and the two Shawnee Indians. These were the only survivors of the original company.

The party arrived at the mines and examined the treasure hidden at the different points in the vicinity of their various furnaces. Nothing had been disturbed. The last place of concealment to be examined was the great cave. When Swift saw the immense sums lying on the floor of this ancient retreat of the Shawnees the evil spirit of his nature was aroused, and he resolved to possess the whole of the great riches

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<sup>5</sup> It is said that he there passed a silk handkerchief through a bullet wound entirely through the body of Thomas Connelly, one of those battling there for American liberty.

<sup>6</sup> This tradition was secured from Mr. Reams by William E. Connelley, at that time County Clerk of the county. There existed between them that close fellowship always found between Kentuckians in an alien land. Mr. Reams was a farmer, living west of White Church, and had the Kentucky aptness for political affairs. He was a man of sound judgment and good character, and he spent many hours in Connelley's office planning advantages for him when he was a candidate for office.

The tradition mentioned as having been told by Mr. Reams differs not from all others collected. It conflicts with some of them. It is the design to set down all that could be learned of Swift and his operations, not to make statements agree in details and particulars, so this tradition is recorded, as it was given by Mr. Reams.



before him. He finally reached the conclusion to murder his companions if possible. His resolution deepened. At nightfall he set about the execution of his diabolical plot.

At length, when his companions slept, unconscious of the bloody treachery in the heart of their leader, Swift stealthily arose from the group of prostrate forms about the fire. He was consumed with his passion for murder and blood-stained riches. His countenance was changed. The keen blade of his scalping-knife glittered coldly in the baleful light that fitfully fluttered up from the dying camp-fire. Noiselessly did he glide from one victim to another. The panther of the forest, a ghost, a phantom, a spectre, could not have moved or acted with greater stealth. Quickly was the dastardly deed done. With stroke sudden, silent, deadly, did the reeking blade enter the heart of each of his associates, companions, friends.

But not yet was his crime fully consummated. The Shawnees were sleeping in the great cave. Thither came Swift bent on further murder. His every faculty was quickened, his every act deliberate. There was no haste—there was manifested no premeditated order of events. With torches held aloft, at his solicitation, they together looked upon the treasure. At sight of it his inflamed passions broke into an insane fury. With the yell of a demoniac he leaped upon the aged and unsuspecting Shawnees. In a moment they were lying lifeless, and Swift was alone in the darkness. And from that hour did Providence smite him with almost total blindness. He groped his way from the wilderness to civilization. The riches, bought with his soul, were left in the trackless forest wastes. They are guarded by the manes of the innocent slain. And no man hath looked upon them to this day.

This account further says that Mrs. Renfro would have married Swift but for the murders he committed in the wilderness. She pressed him closely to know what had become of his companions, whom she had seen in his company only so short a time before when they accompanied him into the forest wilds. He made many contradictory statements, as murderers will, and she refused to proceed with the nuptials until he could give some explanation which would be satisfactory to her. Seeing that she suspected the truth, and believing that the prospective wealth he had gained by the crime would still gain her, he confessed the whole truth. She was shocked—horrified. She demanded that he get out of her sight and leave her premises never to return. This he did in such haste that his journals were forgotten and remained in her possession. Her dislike of the notoriety which the disclosure of the crime would have given her prevented her from making it known for many years.

Mr. Reams believed that Swift and his associates were buccaneers, and that they operated in the Spanish seas and against the Spanish coasts in America. It was his belief, also, that they carried their silver and gold into the wilderness and coined it. Their mines were myths, and only invented to conceal their real operations. He had no doubt that they left millions of coined silver and gold in the mountains of Eastern Kentucky. And that it remains there to this hour.

## VI

### ABOUT SWIFT AND HIS MEN

John Swift was an Englishman. We know something of his life, but nothing of his ancestry or the causes which moved him to cross the Atlantic and seek his fortunes on American seas and in the wilderness beyond the Appalachians. It is not known when he came from England to America, nor can it be told whether he came first to the colonies

or was devoted to the ocean and sailed the Spanish main. It is probable that he was first in Virginia and later in North Carolina. If he was ever a rover of the seas it was in his younger days, for it is known that his later life was spent in the back countries of Virginia and the Carolinas. Northern Virginia seems to have been his field of action in that period of his life when he comes directly under our notice, but his enterprises carried him more and more to North Carolina. And there is no certainty that he did not come first to the Old North State, and from there plunge into the wilderness to trade with its savage inhabitants.

Swift was an adventurer, and he had the daring, the courage, and hardihood and contempt for danger characteristic of the Englishman of his times. If the journal carried by Spurlock was in fact in Swift's handwriting, we have that evidence that he was to some extent an educated man, for often the characters were graceful, uniform, solid, legible and much like the writing of Washington. In some instances there was evidence of haste, and sometimes the chirography of another appeared. Swift must have known something of higher mathematics, for he notes his positions from astronomical observations. This art he may have learned at sea. That he was self-reliant and capable of maintaining himself in transactions of magnitude and importance is evidenced by the vigorous management of the enterprises in which he was engaged. He was capable of inspiring others with his own enthusiasm and enlisting them in his interests. His success in these matters would indicate that he was an organizer and leader of men.

Knowledge of Swift's life in the back countries embraced in the head branches of the Ohio prior to Braddock's disastrous expedition is preserved in tradition alone. It is reasonably certain that about the year 1753 he was an Indian trader, and it is more than likely that this had been his pursuit for some years previous to that date. Or, if not an Indian trader himself, he was, and had been, in some way connected with the English fur traders in that part of the country now within the State of Ohio. It is said that he was associated with Pennsylvanians in this business. While engaged in this trade he spent most of his time with the Shawnees. Some traditions say that he married the daughter of a chief of that tribe, a number of children resulting from the union. By other accounts it is said that his Indian wife was a half-blood French and Shawnee or Wyandot woman, the daughter of a Frenchman who had married into the one or the other of these tribes. There is reason to believe that he possessed influence with the French traders beyond what could be expected from mere acquaintance as a business rival in an Indian village. And this sustains the conclusion recited in the tradition to the effect that he had connected himself with both the French and Indians in his marriage. It must be remembered that these marriages with the women of the savages in the great woods were lightly regarded by the white men contracting them. A trader might have a respected family in the settlements and an Indian wife and half-savage children in the wilderness.

But notwithstanding the favor with which Swift was regarded by the Indians, and the ties he had in some one of their tribes, he was, together with all the other English, finally forced to leave the Ohio Valley by the persistent aggressions of the French. For at that time France was establishing forts and military settlements about the head waters of the Ohio with the avowed purpose of saving to the French trade one of the most noble and beautiful valleys in America.

Coming to those matters more closely affecting Swift himself, it is told that while he was at one of the trading stations in the Indian country he was seized by the French, or by the Indians at the instiga-

tion of the French, and the goods in his charge were confiscated or appropriated. He was either imprisoned or kept a closely guarded captive at some French post for a considerable time. He was threatened with death for some infraction of French regulations of Indian trade, but was finally enabled to make his escape through the friendship of the two Frenchmen.

After his escape, Swift made his way through the unbroken forests to the settlements in Virginia. Afterwards he was with Washington and Braddock in the famous defeat, but in what capacity he served in that campaign is not known.

On this expedition with Braddock, Swift made the acquaintance of some North Carolinians, if, indeed, he had not already been associated with them. One of these gentlemen was Samuel Blackburn, who had been a trader, or a visitor with others in some commercial capacity, to the Overhill Cherokees of the Carolinas for some years. The prospect of being again able to engage in the traffic with the Indians of the Ohio having been destroyed by the victory of the French, Swift accompanied the Carolinians when they returned home from that unfortunate attempt against Fort DuQuesne. A majority of the gentlemen afterwards associated with Swift were in this campaign, which had brought together the hardy pioneers living on the frontiers of the colonies and the adventurous traders who had been for years in the Ohio Valley in the Indian trade. The meeting and close association of these two classes had an influence on the future of the West. The pioneers learned of its beauties and its capabilities, and upon their return home they began to discuss its exploration and even its settlement. Boone was with Braddock, and tradition says that he learned from Swift and other Indian traders much about the country afterwards called Kentucky. His determination to explore that land was formed at that time.

Among others, Swift became acquainted during the Braddock campaign with the following North Carolinians: James Ireland, Samuel Blackburn, Isaac Campbell, Abram Flint, Harmon Staley, Shadrach Jefferson, and Jonathan Munday. These men lived about the head waters of the Yadkin, the South Yadkin, and the Catawba, and they were all experienced hunters and skilled woodsmen.

While in the great Valley of the Ohio bartering trinkets, gaudy cloth and rum to the Indians for valuable skins, Swift must have obtained his first information of the existence of silver mines in the territory south of the Ohio River, which had been worked in times past. Indeed, he was informed that some of them were being worked at that very time by Frenchmen and Indians. And these Frenchmen of Swift's acquaintance, and others, had, in company with some Shawnees and Cherokees, visited the mines a short time before, but from some cause had not been able to obtain any product from them. There had been work done there, they found, however, by some Frenchmen who had lived in what is now Tennessee. It is altogether likely that the approaching conflict between the French and the English was even then beginning to agitate all parts of the Ohio Valley, causing all small parties to come in from the uninhabited portions of the country to the villages and the trading posts. The mines were in the country claimed by the Cherokees, but which was not then occupied by them. This country had been the home of the Shawnees, and they were familiar with every portion of it.

Swift and his companions were, notwithstanding the storm which was gathering in the forests on the western slopes of the Alleghanies, preparing to set out for these mines when the irruption of the French into the Ohio Valley occurred, and which delayed their journeys thither for several years. Knowledge of the location of these mines remained

with Swift, and he was enabled to discover them without great difficulty about the year 1760, when he, Staley, Ireland, McClintock, Blackburn, and others visited them but did not work them, not having gone for that purpose.

The next year, 1761, the following, together with other persons whose names can not now be ascertained, formed a party which visited the mines and worked them: John Swift, Jonathan Munday, Seth Montgomery, James Ireland, Shadrach Jefferson, Joshua McClintock, Samuel Blackburn, Henry Hazlitt, Isaac Campbell, Moses Fletcher, Abram Flint, Harmon Staley, William Wilton, John Motts, Alexander Bartol, and Jeremiah Bates.

With this party were a number of Frenchmen and some Shawnee Indians. The names of the two principal Frenchmen were Pierre St. Martin and Andrew Renaud. The Frenchmen and the Indians met the other members of the party at Fort Pitt by agreement and appointment made at that point in the previous summer.

The tools and appliances used by Swift and his company in working the mines were obtained at Alexandria, Virginia, and were transported on pack-horses from that point into the wilderness, as were all their supplies for living, with the single exception of meat, which was easily procured in the forests through which they passed. Some maize was brought from the Indian settlements and villages along the Ohio River. Seth Montgomery and Henry Hazlitt lived in Alexandria, or in Maryland in the immediate vicinity of that city. They had been engaged in the fur trade on the frontiers, and it is possible that they knew Swift when he was in the Ohio country previous to its occupation by the French—or they may have been in some way associated with him at that time. They furnished the money necessary for the purchase of the horses and other supplies for the first expedition to the mines—that of 1760.

## VII

### WILDERNESS TRAILS—LOST METAL FOUND

It is necessary to say a word about the roads and paths by which the wilderness was penetrated, for Swift and his associates followed such roads as then existed.

The wilderness had its highways before the coming of the white man. Indeed, our modern highways and railways largely follow paths which the wild denizens of the forest marked with constant hoof for their own migration and wandering. After the animals, there came the aboriginal inhabitants of the American forests, going up the stream, over the mountain, along the divide, through the rugged pass, winding down a mountain system to a great river which rolls in silent strength and majesty down to the waves of the wasting sea.

The pale face came along these same ancient ways in his exploration and subjection of the land. Braddock crawled along on these for weeks to meet death before he came to its end. Gist, Boone, Sevier, the Long Hunters, Kenton, and George Rogers Clark all followed the old trails tramped out by the buffalo, the elk, the deer, and widened and connected by the savage in his wanderings.

One of these old ways was called Nemicolon's Path, because pointed out by the Delaware Nemicolon. It became the Braddock Trail. At Fort Pitt, it branched to all the westward points of the compass. One of these branches followed through the country south of the Ohio to the point where Charleston, West Virginia, now stands; passing over the Kanawha, here it plunged into the heavy woods in a course almost directly west. This general direction was held until the Forks of Great

Sandy Creek were reached. Here again a number of branches were encountered. One followed up each fork of the Great Sandy, one to the mouth of that stream, and one continued on to the westward. At each principal branch of any stream a road left the main way to follow the subordinate stream up to its head waters, there to clamber through a "gap" and descend another subordinate stream down to a larger one. This process was repeated everywhere, and the forest was threaded with roads. The main roads did not keep down by the streams, but held to the ridges and divides, the watersheds, crossing the streams where they were small. Travel might hold to the main rivers in summer or in seasons of drought, but the roads here were mainly for local travel.

The means of transportation for explorers and pioneers over these primeval ways was by pack-horses. Burdens were strapped and tied upon the rude saddle which was only a frame-work of tree-branches with a padded blanket beneath to protect the horse's back. The horses followed a leader, which was an old horse that had spent his best days on the trail, and whose sagacity often amounted to reason. This lead horse usually wore a bell; and he knew at a glance whether a stream was fordable or not, and if his judgment told him it could not be crossed it was useless to urge him, for he could not be forced in. He was as expert as the explorer himself in selecting suitable camping grounds; and he could discover the presence of Indians by his acute sense of smell long before the hunter could see them; in this capacity he was as useful as the dog. Many a hunter has saved himself from ambush by observing the actions of his horse and profiting by the warning conveyed.

Swift and his men followed Braddock's Trail to Fort Pitt, and from thence they came by the road through the site of Charleston, to the Fork of Great Sandy Creek. At this point some of the caravans divided, a portion going up the West or Louisa Fork, and the remainder continuing on their way westward. After a time the different mines were connected by a shorter road which the miners groped out over rough ground.

The pack-horses followed one another in single file and were under the command of the Frenchmen; and the company often had as many as one hundred horses in a train. When there were so many, they were cut into smaller companies. On the journey in, they were loaded with such supplies as the miners found indispensable in the wilderness, not the least of which was rum. On the journey out, they carried such treasure as the miners had secured.

Through the mishaps of the rough traveling it was necessary to secret many a load of treasure along the old paths. The people of Eastern Kentucky believe that in this latter mischance evidence of the presence of Swift and his men was left in the wilderness. Bars of both gold and silver have occasionally been found in Eastern Kentucky. Ely, in his *Big Sandy Valley*, gives an autobiography of Col. John Dills, Jr., in which is mentioned one certain "Uncle Barney Johnson, of Block-house and golden-wedge fame. This wedge Barney ploughed up on his farm from an Indian burying-ground, and gave it to a neighbor to braze bells with, not knowing its worth. I heard the brazier say it was the best brazing metal he ever had in his life."

A number of bars of pure silver were found on Red River by Lemuel Johnson, who afterwards lived on the land of John Patrick, on the Burning Spring Fork of the Licking River, in Magoffin County, Kentucky.

Johnson brought these bars of silver to the Blacksmith shop of William Adams, Esq., in Salyersville, Kentucky.<sup>7</sup> They were black

<sup>7</sup> William E. Connelley saw them often, as they were thrown carelessly on the top of the bellows, where they remained until used up for solder.

with age and very heavy, and no one thought of their being silver until one Frederick Stambaugh, who was having some bells repaired there, made the discovery. The bars had then almost all been used up. They were about six inches long and some two inches square, though of some irregularity of form.

Enoch Fairchild, Esq., of Johnson County, Kentucky, was a fine mechanic. He was a famous gunsmith and manufacturer of violins. For a time he had his shop on the bank of Big Paint Creek, just below Rule's Mill. Noah Branham, a native, brought to his shop about 1872 a piece of metal much like those bars which had been found by Johnson.

Branham had found this bar of metal while digging out and widening the roadway around the hill, beneath the tall cliffs just below the shop.<sup>8</sup>

About the year 1840, in what is now Johnson County, Kentucky, Prestley Larkin, a Revolutionary soldier, long afterwards remembered as "Dad" Larkin, or "Daddy" Larkin, because of the great age to which he lived, found a number of bars of metal similar to that found by Branham, and the bars were the same in form. Larkin was working for John Stafford, Esq., one of the pioneers of that region, and found these bars of metal in the river bottom, on the farm afterwards known as the Jerman Huff farm. Larkin found these bars near where the road has crossed the stream known as Big Paint Creek ever since man has been in America, as there is there a rock bottom and the water is always shallow. The point is locally known as the "Flat Rock," and is just above what for a century was known as the "Deep Hole" in Paint Creek.

The Rev. Henry Dickson (Dixon is the name as written by his descendants), the silversmith heretofore mentioned, purchased the bars of metal from Larkin. From them he manufactured a great number of ornamental pins and brooches so much in demand in those days.<sup>9</sup>

## VIII

### THE POUND GAP AND GREAT CAVE

Charles Blue-Jacket in his conversations concerning Kentucky, and particularly Eastern Kentucky, said that the region about what is known as Pound Gap and the "Breaks" of the Sandy River, was ever held in reverence and sacred remembrance by the Shawnees. The tradition in the tribe describes a mighty cave there in which the warriors hid their women and children while they fought a great battle with a combination of other tribes, among them the Cherokees. The Shawnees were defeated, but they returned when their enemies had retired from the country and brought out their wives and children.

In his description of the cave he said that it extended from one side of the mountain to the other, being many miles in extent, and that it could be entered at several different points and on both sides of the great mountain range under which it lay. Some of the principal mines worked by Swift and his companions were in the vicinity of this great cave, and they finally made it the storehouse for all their surplus production of silver. They carefully covered the entrances to the cavern when they departed from the country. The Shawnees and the Wyandots often went to this country to hunt, even after Eastern Kentucky was

<sup>8</sup> Fairchild believed the chunk of metal to be pure silver, and he gave Branham two dollars for it. His wife stormed much about having to produce the two dollars to be paid out for a piece of pewter, as she termed the metal. Fairchild used this metal for the "beads" in the sights of the guns he made and repaired, and it proved to be pure silver.

<sup>9</sup> Mrs. Susan Joynes Connelly, one of the pioneers of Eastern Kentucky, wore one of these brooches for half a century. It was unquestionably pure silver.

settled by the white people. Charles Blue-Jacket's father went into the cave on more than one occasion. He had not been with Swift, but his father had been. There is a secret religious society among the Shawnees, which preserves many of the rites of the old pagan life, and this great cave had some significance in the ritual of that order.

To the hoof-beats of the horse along the roadway through Pound Gap the mountain sounds like it was hollow, especially when the solid rock is trodden. At some points in this mountain gap every step seems echoed through the underground caverns with which it is certain the mountain is honeycombed. There are some places in this region where a smart blow with an iron implement, on the living bed-rock, or with a maul upon the ground, sounds like a blow upon a huge drum. From this cause the gap was first called Sounding Gap. The Shawnees called all this land "The Country about the Hollow Mountain." It is evident that the Indians lived here in considerable numbers at some time in the past, for many of the ridge-tops are covered with long heaps of loose stones, plainly carried there, called by the people of that country "Indian graves."

Some parts of the journal of John Swift refer in unmistakable terms to this region.

The name "Sounding Gap" fell into disuse and was replaced by the name "Pound Gap" after the name "Pound" was bestowed on the upper course of the Big Sandy River. It seems that this name was given the river at rather an early period. A number of pioneers came once into that country to hunt and brought their horses with them. In casting about for a convenient place for an enclosure they found the points in the river where it makes a great bend or circle, coming back to within a few hundred yards of where it was first deflected from a direct course. The nearest points in this circle were joined with a fence built across the "Neck," and this with the river formed a perfect enclosure, which came to be spoken as the "Pound." It bore this name wherever the fame of the country as a hunting ground was carried. The river was spoken of as the "Pound" River, and it was said to run through the "Pound" country. This name finally replaced the original one, and one branch of the Big Sandy River in its upper course became the Pound River. And this name, having a similar sound, soon usurped the name of the mountain pass, and "Sounding Gap" took the name "Pound Gap."<sup>10</sup>

## IX

### JOHN SWIFT'S JOURNAL

There are many forms of the Swift Journal and no doubt, many copies of each of these forms. They agree substantially. They are evidently all copies of some part or parts of *Swift's Original Manuscript Journal* left with Mrs. Renfro. Through repeated copying from copies by persons little capable of doing accurate work, the journal degenerated finally into a few pages of incoherent jargon, as will appear from an examination of the most common form of the journal, many copies of which are extant in Eastern Kentucky.

The usual form of Swift's Journal is a document covering about four pages of legal cap paper and was very common in Eastern Kentucky half a century ago, and is a condensation of the whole of Swift's Journal.

<sup>10</sup> All this is lore common to the Big Sandy Valley. It is the foundation of the story *The Queen of Appalachia*, written by Joe H. Borders, who was born at Paintsville, in Johnson County, Kentucky. He learned these stories as he learned to talk, as all did who cared to learn them.

A better form of Swift's Journal was preserved by Judge Richard Apperson, of Mount Sterling, Kentucky. Immediately after the Civil war he was judge of the Circuit Court of some district which included Magoffin County. While holding court at Salyersville, Judge Apperson stopped at the tavern conducted by William Adams, Esq., the founder of the town and a pioneer settler in that region.<sup>11</sup>

In the year 1878, a North Carolinian named James McLeMoore, came to Kentucky to search for Swift's Silver Mines and the hidden treasure left by Swift and his companions. He had some knowledge of geology and minerology and had spent some considerable time in mining in the gold-fields of North Carolina, South Carolina and Georgia. He was a man of easy and careless disposition and fond of roaming about the world. He was a minister of the Gospel, and belonged to the Baptist Church.

McLeMoore had in his possession a number of copies of John Swift's *Manuscript Journal* of different forms. Some were very short and others quite long. He had also some maps and was certain that these indicated that much of Swift's treasure was hidden in Johnson County, Kentucky. A number of the residents of Johnson and Magoffin counties, joined with him in a search for the mines and Swift's hidden silver. He said he had secured the maps in North Carolina, on the Upper Yadkin, where Swift had lived; that Swift had died there, and was buried in that country.<sup>12</sup>

Robert Alley was a resident of Johnson County from 1859 to his death—about 1890. He came there from East Tennessee to search for Swift's mines, which he and some associates had sought unsuccessfully in the region of the Cumberland Gap. Among these associates was one William Turlington, sometimes known as William Spurlock. He was a very eccentric character. He tramped the roads of East Tennessee and Eastern Kentucky for half a century, and undoubtedly discovered some hidden treasure. He had in his possession a document which, he asserted, was the original journal of John Swift. In the fall of 1873 he was at the house of Mr. Alley.<sup>13</sup> At that time

<sup>11</sup> Judge Apperson was a student of pioneer times in Kentucky and could relate many stories of the adventures of the early settlers. At the end of one of his terms of Court one of the sons of Adams and William E. Connelley were assisting him to gather up his books, papers, and a few articles of clothing. He was stuffing these into a pair of saddle-bags preparatory to his departure for the next county in his circuit. When he was leaving the room with his saddle-bags on his arm the boys found this copy of Swift's Journal. Either he did not wish to reopen his crowded bags to store it away, or he did not care to preserve the paper. He may have had other copies of it. He looked it over and then handed it to Connelley telling him to be careful to preserve it. The form of this Journal is of a much better type, from a literary standpoint, than the one generally known, and is at least twice its length. In substance the two are much the same.

<sup>12</sup> William E. Connelley made a copy of what he considered the best form of Swift's Journal owned by McLeMoore. It is of much greater extent than either of the copies already mentioned. It makes sixteen typewritten pages, and contains nearly six thousand words.

<sup>13</sup> Mr. Alley believed that it was the original Journal, and he believed that Spurlock had discovered a considerable amount of the treasure hidden by Swift and his companions. He carried always on his shoulders a pair of immense saddle-bags supposed to contain money. He had a large sum of money with him, and Mr. Alley paid him at that time quite a large amount of money which he had borrowed some years before.

William E. Connelley was teaching school in the Alley district that year. He desired very much to make a copy of Swift's Journal owned by Spurlock. Mr. Alley took up the matter with him, and he finally consented that a copy of some portions of the Journal might be made. Spurlock kept this Journal between two thin cedar boards and securely wrapped in a sort of sheet made of bladders to protect it from rain or dampness. It had every appearance of an original document. The book had been worn to pieces, and if it had ever been bound the board covers were gone and many of the sheets or leaves had been worn through at the back. The edges and corners were worn, and in some instances the writing was



copies of portions of this journal were made. According to this document, Hazlitt, Ireland, Blackburn, McClintock, Staley and Swift made a preliminary journey into what is now Eastern Kentucky in the spring of 1760. This trip was for the purpose of making arrangements to work the silver mines supposed to be in that region. They built a furnace and burned a pit of charcoal somewhere about the breaks of the Big Sandy River. From that point they went southwesterly along the base of the mountains a considerable distance, where they found other mines. There, also, a furnace was erected and charcoal burned for use the next year. They then departed from these mountains and arrived at Alexandria, Virginia, December 10, 1760. They there set about preparations for taking up the work in the wilderness the next year. In this connection the following, taken from the journal, is of interest:

"Montgomery bought two additional vessels to sail to the Spanish Seas and return with cargoes suited to our enterprise, and he began the work of engraving and cutting the dies with which the silver and gold was to be coined, he being in that matter very expert, having labored long in the Royal Mint in the Tower of London."

A reorganization of the company was effected during the winter. This company seems to have been a partnership, although the common fund was divided into shares of which there were fifteen. They took out a large number of pack horses, when they set out for the mines, leaving Alexandria on the 25th day of June, 1761. At the forks of the Big Sandy the company was divided into two parties, one party going to work at each of the locations selected the previous year. Much progress seems to have been made in the development of their mines during the summer. A large force was left to work during the winter, but the managers arrived at Alexandria, December 2, 1761. They found their vessels returned from the Spanish seas after profitable cruises, which gave them so much encouragement for this branch of their business, that they bought five more vessels for this service the next year.

Swift and his company left Alexandria in the last week of March, 1762, and, as in the previous trips, they went by the way of Fort Pitt. A large pack-train was taken out. Two horses were drowned in the Kanawha. At the forks of the Big Sandy they cast lots to see who should go to the different points and work these mines. They found that the men who had been left all winter were dissatisfied and homesick, although much work had been done. Swift and others set out on their return to Virginia on the 1st day of September, 1762, and arrived at Alexandria on the 12th day of October. They found that their shipping interests had prospered much. In the preparations for the work for the coming year, they more than doubled their number of pack-horses.

In 1763, Swift and his train left Alexandria on the 21st day of April. They arrived at the mines on the head waters of the Big Sandy on the 17th day of May. Much progress had been made in their mining operations. Swift set out for Alexandria on the 16th day of September and arrived there the last day of October, and records that they had a successful year.

In 1764 the operations of the company were hindered by wars in the wilderness, and it was deemed unsafe to go out by the way of Fort

dim and scarcely legible. It agrees largely with other forms of the Journal, although it is much more complete and preserves many more incidents of the transactions of Swift and his companions. It recites that Swift and his associates were engaged in some sort of commercial ventures by sea and from what was written there, it is evident that they preyed on the Spanish shipping and that these men carried precious metals, secured in this manner, into the wilderness back of the Virginia settlements to be coined into English money.

Pitt. They had now become somewhat more familiar with the geography of the country. They left Alexandria on the 7th day of June, 1764, and went by the way of New River and the Cumberland Gap, reaching what they called their lower mines on the 11th day of July. This year was not a successful one. It seems that they abandoned the route by Fort Pitt for the time being. They left the mine on the 8th day of November, going out by the way of New River, and arrived at Munday's house the 1st day of December, 1764.

In 1765 the train set out from Munday's house on the 14th day of April, 1765. They went by the way of Ingles' Ferry on the New River, arriving at their lower mines on the 2nd day of May. They had a profitable year, and gathered into a great cave, "our immense store of precious metal, both of the coined and the uncoined, and hid it therein until we could in the providence of God convey it thence to the trade of the seas." At another point the journal says, "that store of treasure lieth in that cave to this day." Their geographical knowledge was increased, and in going out from their mines this year they went by a gap at the head of the Big Sandy, in all probability, the Pound Gap. They arrived at Munday's house on the 20th day of November, 1765.

On the 6th day of June, 1766, they set out on their journey to the mines. Their delay this year was caused by wounds inflicted upon each other by two of their company, Fletcher and Flint. They were drinking heavily on Christmas Day and came to blows with swords. They made their wills and concealed their money in the vicinity of Munday's house, which was probably on the Yadkin. Flint buried 240,000 crown pieces, and Fletcher hid 360,200 crowns. Fletcher died on the 2nd day of July, and Flint recovered. This year the company was troubled with a mutiny of their workmen, who left and returned to the settlements. After taking every precaution to conceal their operations they left the mines on the 6th of November and set out for North Carolina, arriving at Munday's house on the 6th of December.

In 1767 the company left Munday's house on the 1st day of October and arrived at the mines on the 4th day of November, bringing in their largest train, to that time. After a successful year they went out by the way of Fort Pitt and arrived at Alexandria on the 7th day of May, 1768.

For the next year, a great train was made up, and on the 4th of June, 1768, they went by the way of Fort Pitt. The date of arrival at the mines is not given. This proved a prosperous year. Swift and some of his companions left the mines on the 29th of October. On the Big Sandy they were ambushed by Indians, and Campbell was killed. Hazlitt and Staley were badly wounded. The company arrived at Munday's house on the 14th day of December, 1768, and on the 24th Hazlitt died of his wounds. Mention is made of a settlement with the "Scotch Company." It is said that the settlement was not easily effected, as the company,

"Seeing that we prospered in all our enterprises, both at sea and on the land, took advantage of the nature of our business to extort from us a great sum, not their due, and this we paid, though very unwillingly, but fearing that worse might come of refusal to come to this agreement wrongfully exacted of us. In making that settlement we closed our business in North Carolina deeming it imprudent to longer move with our affairs there."

In 1769 the company left Munday's house on the 16th day of May and went by the New River and Cumberland Gap. The pack-train was large and unwieldy, and their progress was slow. The arrival at the lower mines was on the 24th day of June. This year it was deter-

mined to close up the affairs of the company and quit business. All their workmen were pledged to secrecy and paid seven-fold their agreed wages. The paragraph describing the close of their business is as follows:

"And it came up to us to settle what was to be done, and seeing that we had prospered beyond all our expectations, and had gathered gold and silver until we had heaped up great riches, and seeing also that the stormy life we had led in this wild land for more than a third of a century was wearing away our strength; and being minded that the works of men are always unfinished and unsatisfactory, leaving the heart at unrest and in tumult; and, too, being fully persuaded that the life of man should be at some period turned about for reflection on God and his mind drawn in from the wanderings of this world, we decided to quit and abandon this hard life for the present and mayhap for all time, returning here to carry out that store now hidden in the great cavern of the Shawnees, which fact is known to no living soul beyond our company."

They left the mines on the 9th of October going by the way of Big Sandy and Fort Pitt, and arrived at Alexandria the 11th day of December, 1769. They closed out their "sea-faring operations," as it was written in the journal. "So, we end the labor of ten years on sea and land, praising God that it was successful." The journal ends with specific directions for finding the treasure left in all parts of the wilderness and for the discovery of the mines. If there is any reliance to be placed on the journal there is concealed treasure in Eastern Kentucky in untold amounts.

Whatever may be the facts concerning Swift's mines it is certain there were many expeditions made to Eastern Kentucky by men in pursuit of hidden minerals long before the central portion of the state was settled.

## CHAPTER X

### THE FOUNDING OF HARMAN'S STATION

#### I

##### HEZEKIAH SELLARDS

Hezekiah Sellards was a Scotch-Irish pioneer in the Upper Shenandoah Valley. He moved into that country from Pennsylvania. He built his cabin twenty miles from the nearest neighbor. He was a typical settler and a genuine frontiersman and backwoodsman. The location of his residence in the valley cannot now be determined with any degree of certainty. It was in the mountains about the sources of the Shenandoah River. It was in the community where many Presbyterians afterward settled. Sellards himself was a Presbyterian of the strictest sort. In company with his neighbors he made annual journeys into forests beyond the New River. The object of the hunter in those days was as much to find desirable place in which to locate when next he determined to move as to secure meat and skins. A more charming country than the western highlands of Virginia would be difficult indeed to find. Sellards and his associates hunted in that region about the head of Wolf Creek, and along Walker's Creek, going sometimes to the Clinch and the Holston. Their choice of locality finally fell upon Walker's Creek and Walker's Mountain. Long before it was safe to do so, perhaps before 1760, a colony of which Sellards was a member and perhaps the leader settled about Walker's Mountain. The date is not definite, but they were beset by Indians for thirty years. In their migration to their new home they drove their flocks and herds before them and carried their wives and children and their household effects upon pack-horses.

#### II

##### THE WALKER'S CREEK SETTLEMENT

Hezekiah Sellards had a large family, but all his children save four died before they were grown up. Two of his sons, Thomas and Jack, lived on the Buffalo Fork of John's Creek and died there, each at a great age.<sup>1</sup> One daughter married John Borders, a British soldier who served under Cornwallis and was captured at Yorktown. During his service he had come to believe in America and in her cause and had resolved to make this country his home as soon as he could secure his discharge from the army. It is said that he had acquainted his officers of his intention. After the surrender of Cornwallis Borders soon contrived to be released, and he went immediately to the back settlements of Virginia to begin life in his adopted country. There he met and married a daughter of Hezekiah Sellards. He was an excellent man in every respect, so it is said. From his marriage with Miss Sellards

<sup>1</sup> Stated on the authority of Adam P. Wiley, also Rev. M. T. Burris. Mr. Burris knew these brothers. He was born and brought up in the Leslie Settlement on John's Creek, and is a descendant of the Pioneer Leslie.

are descended several families living now in Eastern Kentucky, one of the most numerous and respectable being that of Borders.<sup>2</sup>

The remaining daughter of Hezekiah Sellards was Jean, familiarly called by her family and others Jennie Sellards. Her son informed me that she had black hair through which ran a tinge of auburn in her youth. Others say her hair was coal black, and they saw her many times and had opportunity to know. All agree that she was strong and capable of great exertion and great endurance. Until past middle life she was of fine form and her movements were quick. In her old age she became heavy and slow. She had then, too, heavy overhanging brows. Her eyes were black. She was above medium height. Her face was agreeable and indicated superior intelligence.<sup>3</sup>

Capt. Matthias Harman lived on Walker's Creek and not a great distance from Hezekiah Sellards. He was familiar with all the country along the frontier and this brought his services into demand by persons seeking new lands suitable for settlements. It is said that in the spring of 1777 he led a number of settlers from Strasburg, Virginia, to Ab's Valley. Thomas and Samuel Wiley were members of this party. They were brothers, recently arrived from the north of Ireland. Samuel Wiley settled in Ab's Valley, but Thomas remained at the home of Captain Harman, of whom he finally purchased a tract of land. This tract of land was on a branch of Walker's Creek immediately north of the residence of Harman. Wiley built a cabin of two rooms with an open space between on his land and cleared a field. He courted Jennie Sellards and met with many a rebuff from her father whose hostility availed nothing, for Jennie looked with favor on the young man and they were married. This was in the year 1779.

It is necessary here to return to the transactions of Matthias Harman.<sup>4</sup> Mention has been already made of the colony located by him

<sup>2</sup> The descendants of John Border live now mainly in Lawrence and Johnson counties, Kentucky. They are scattered over all the Mississippi Valley. While many of them were farmers, they usually followed commercial life and were very successful. One of his descendants, a Mr. Davis, informed William E. Connelley in November, 1920, at his home, in Louisa, Kentucky, that the wife of Hezekiah Sellards was a Cherokee Indian woman. He could not say whether or not she was a full-blood or part white.

<sup>3</sup> Rev. M. T. Burris says "she was rather dark skinned, dark hair and heavy eye bones." He also says that Thomas Lewis, a pioneer in the Big Sandy Valley who knew Mrs. Wiley well, told him that she "had dark hair, rather heavy eye-bones, and dark eyebrows." Joseph Kelley was also a pioneer in the Big Sandy Valley and knew Mrs. Wiley well; he told Mr. Burris that she had dark hair. Mr. Burris says that her brothers, Thomas and Jack Sellards, had black or dark hair. Mr. Burris did not know Mrs. Wiley. Adam P. Wiley was dark of skin, and his hair was black. Mrs. Susan Joynes Connelly, knew Mrs. Wiley well; she said that Mrs. Wiley had very dark hair, was tall, handsome of form and face until old age made her heavy and slow, very intelligent, kindly disposition but firm and determined, and a devout and earnest Christian.

<sup>4</sup> Matthias Harman was born in or near Strasburg, Virginia, about the year 1732. His father, Heinrich Herrmann, came from Prussia to Pennsylvania, and from thence to the vicinity of Strasburg while yet a young man. Matthias Harman and his brothers, of whom he had several, early became hunters and ranged the woods far and near. They joined every expedition into the wilderness made up in their community, and it is said that their father also joined these expeditions, whether for hunting, exploration, or for war. The Harmans bore the Indian a bitter hatred and believed in his extermination. There came to America also, two brothers, of Heinrich Herrmann, Adam and Jacob, but they came at a later date. These three brothers and their families were among the first settlers at Draper's Meadows in 1748. Michael Steiner or Stoner, (afterwards a pioneer in Kentucky, and for whom Stoner Creek, in Bourbon County, was named,) was a cousin to Matthias Harman, and was also an early settler at Draper's Meadows. It is said that Casper Mansker, the famous pioneer of Tennessee, was in some degree related to the Harmans. These men were called Dutchmen by the early settlers. They were all explorers of the wilderness, and hunting became a passion with them. Matthias Harman became infatuated with the life of the

in the vicinity of Ab's Valley. He founded a number of such settlements in the country west of the New River. It had been for thirty years his intention to form a settlement at the mouth of John's Creek on the Louisa River when the attitude of the Indians would permit him to do so with safety. The Indian tribes beyond the Ohio and the Cherokees living along the Little Tennessee had all to be taken into account. Some vagrant bands of Cherokees lived also along the Ohio River at the time. Harman was infatuated with the Louisa River country because game was more plentiful there than in any other region of which he knew. The great Indian trails between the Ohio River Indians and the Cherokees and other Southern tribes lay up the Big Sandy, which accounts for the fact that the Indians roamed that country several years after they had disappeared from all other parts of Kentucky. For this colony Harman had enlisted a number of his old-time associates and companions in wilderness exploration. In 1787 he believed it safe to establish his settlement, and it was agreed that it should be made in the winter of 1787-88.<sup>5</sup>

Harman's father was yet living. He always went with the other pioneers to hunt in the Big Sandy Valley. Except for a few years during the Revolution this hunt had been made annually for twenty-five years and perhaps longer. As the hunters would not return when they went out in the fall of 1787, and as Harman, senior, was now too old to go with the colony and was desirous of making a hunt with his

woodsman and the dangers of the frontier. In woodcraft and Indian warfare it is doubtful if he ever had a superior. He was one of the men employed to guide the Sandy Creek Voyage, and tradition says that if General Lewis had been governed by his judgment the expedition would not have failed at its purpose. He and his Dutch companions and relatives slew about forty Cherokees who were returning home from assisting the English against Fort De Quesne in 1758, so tradition in the Harman family says, and they justified their action by affirming that the Indians had stolen horses and cattle from the settlers along their route. Tradition in the Big Sandy Valley said that Michael Stoner and Casper Mansker were with Harman in this foray, and that the party received pay from the colony of Virginia for the scalps of the Indians slain and that it amounted to a considerable sum per man.

These Germans and explorers with whom they were associated became familiar with every part of the Big Sandy Valley soon after settling at Draper's Meadows. They built a lodge or hunter's cabin on the Louisa River just below the mouth of John's Creek about the year 1755, and they went there to hunt the deer, elk, buffalo, bear, beaver, and other game animals and birds every year. Matthias Harman appears to have been the leader. Associated with him were Henry Skaggs and James Skaggs, famous hunters and explorers.

Matthias Harman was called "Tice" or "Tias" Harman by his companions. He was diminutive in size, in height being but little more than five feet, and his weight never exceeded one hundred and twenty pounds. He had an enormous nose and a thin sharp face. He had an abundance of hair of a yellow tinge, beard of a darker hue, blue eyes which anger made green and glittering, and a bearing bold and fearless. He possessed an iron constitution, and could endure more fatigue and privation than any of his associates. He was a dead shot with the long rifle of his day. The Indians believed him in league with the devil or some other malevolent power because of their numbers he killed, his miraculous escapes, and the bitterness and relentless daring of his warfare against them. He was one of the Long Hunters, as were others of the Harmans, and more than once did his journeys into the wilderness carry him to the Mississippi River. He and the other Harmans able to bear arms were in the Virginia service in the War of the Revolution. He is said to have formed the colony which made the first settlement in Ab's Valley. He formed the colony which made the first settlement in Eastern Kentucky and erected the blockhouse. He brought in the settlers who re-built the blockhouse, and for a number of years he lived in the Blockhouse Bottom or its vicinity. In his extreme old age he returned to Virginia and died there. It is said he lived to be ninety-six, but the date or place of his death has not been ascertained.

<sup>5</sup> Summers, in his work on Southwestern Virginia, says this was a year later, or in the winter of 1788-89. It may have been. But Adam P. Wiley has been followed here in the matter of dates. If Summers is right, then the hunting party of Harman went out in the fall of 1788.

sons, this year it was arranged that a party would go out for a few weeks prior to the departure to build the fort on the Louisa.<sup>5a</sup> Where

<sup>5a</sup> The Louisa River was named by Dr. Thomas Walker on Thursday, the 7th day of June, 1750. The entry in Dr. Walker's Journal describing this event is as follows: "June 7th.—The Creek being fordable, we Crossed it & kept down 12 miles to a River about 100 yards over, which we called Louisa River. The Creek is about 30 yards wide, & part of ye River breaks into ye Creek—making an Island on which we Camped."

In the early days of the settlement of the Big Sandy Valley this stream was known altogether as the Louisa River. As late as 1825 it was generally called the Louisa River. After that time, and to some extent before, the name began to be corrupted to that of Levisa. The name Levisa is now used almost entirely. That the name is a corruption of the true name, Louisa, there is no doubt. It appears that the name Louisa once attached to the whole State of Kentucky, but the extent of the application of this name is not now known. There is reason to believe that as early as 1775 the name Louisa was corrupted to Levisa. Speed, in the Wilderness Road says, "that Felix Walker, with Captain Twetty and six others, left Rutherford, North Carolina, in February, 1775, (according to Felix Walker's narrative, 'to explore the country of Leowvisay, now Kentucky.'" But the *w* was formerly written *v*, and it may have been so in this word Leowvisay, an erroneous spelling of Louisa.

The Kentucky River was sometimes called the Louisa River by the pioneers and explorers, and it was called, also, the Cherokee River. In the deed from the Cherokees to Richard Henderson and others, proprietors of the Transylvania Company, conveying the tract of land known as the Great Grant, we find the description of the land beginning as follows: "All that tract, territory, or parcel of land, situated, lying and being in North America, on the Ohio River one of the eastern branches of the Mississippi River, beginning on the said Ohio, at the mouth of Kentucky, Cherokee, or what by the English is called Louisa River." This calling of the Kentucky River by the name Louisa was caused by a misapprehension. It was not certainly known what river had been called Louisa by Dr. Walker, as he traced none of the rivers, which he named, to the Ohio. But that he did not call the Kentucky River Louisa is shown by Lewis Evans's Map, 1775, on which the Louisa River is marked as flowing into the Great Kanawha, and the upper course of the "Tottery or Big Sandy C." is marked "Frederick R." Frederick's River was discovered and named by Dr. Walker on the 2d of June, 1750, five days before he discovered and named the Louisa River, and as it is now known that the Louisa River does not flow into the Great Kanawha, it follows that the west branch of the Big Sandy River was the stream upon which Dr. Walker bestowed the name Louisa.

The late Rev. Zephaniah Meek wrote William E. Connelley from Catlettsburg, Kentucky, November 19, 1895, as follows: "I called on Capt. Owens yesterday formerly of Pike county, and asked him the origin of the name Levisa as applied to the west fork of the Big Sandy. He says that in the early settlement of this part of the State, a French trader by the name of Le Visa came to what is now Louisa, and owing to some experiences of his, that fork came to be called after his name, hence, Americanized Levisa."

There may have been a French trader at the forks of the Big Sandy by the name of Le Visa, but the word of Captain Owens is all the evidence found of that fact. If there was such a trader he was not prominent enough to change the name of a river or to have his name attached to it. The *i* in French is *e* in English. Anglicized, the Frenchman's name would have been Levesay or Levesy. Levisa could not have come from it. The explanation of Captain Owens is an improbable one.

John P. Hale, in his *Trans-Allegheny Pioneers* says: "The La Visa, or Levisa, fork is said to mean the picture, design, or representation. It was so called by an early French explorer in that region, from Indian pictures or signs, painted on trees, near the head of the stream."

These painted trees were to be found in early times all along the Louisa River from the mouth of Big Paint Creek, where they were most numerous to its head. Christopher Gist was on the Pound River in 1751. The entry in his Journal for Wednesday, April 3, is as follows: ". . . . to a small Creek on which was a large Warriors camp, that would contain 70 to 80 Warriors, their Captains, Name or Title was the Crane, as I knew by his Picture or Arms painted on a tree." Darlington says: "This was on the stream called Indian Creek, the middle fork of the Big Sandy, in Wise County. The Crane was a totem or badge of one of the Miami tribes; also of the Wyandots. A common practice among the Indian tribes, with war parties of a distance from home, was to paint on trees or a rock figures of warriors, prisoners, animals, etc., as intelligible to other Indians as a printed hand bill among the whites." Darlington is in error when he says there was a totem of the Crane among the Wyandots. But they had a chief

the hunters made their camp cannot now be determined. It was not far from the settlements, and it appears to have been near the head waters of both the Tug and Louisa rivers. It is said that about twenty hunters went out in this party. Henry Harman and his sons, Henry Skaggs, James Skaggs, Robert Hawes, some of the Damrons, and a man named Draper are known to have been of the party that went on this preliminary hunt.

As it was the intention of the hunters to remain some time in the woods they built a rough camp in which to sleep and to shelter their trappings in case of rain. The camp must have been near the Indian highway, for one day it was surprised and attacked by a moving band of Indians. Few particulars of this skirmish have been preserved, though the memory of it is widespread. It is said that the previous night had been rainy and the morning cloudy and damp. The men had not gone out early, and that fortunate circumstance saved the camp from destruction, in all probability. The hunters not being beyond hearing of gun-shots returned at once, catching the Indian party in the rear and defeating the savages in a short time. Robert Hawes was wounded in one of his arms. The Indians were pressing the party at the camp when the other hunters returned. A young Cherokee, son of the chief and leader, was armed with bow and arrows only, but he came near killing Henry Harman and would possibly have done so had not Matthias Harman killed him with a rifle shot. The death of the Indian boy ended the fight. The chief carried the body of his son away with him. Matthias Harman recognized the Cherokee chief as one of the boldest raiders on the Virginia settlements to be found in all the tribes. He stole horses all along the frontier, murdered families, and carried off plunder of all kinds. Harman had followed him often and had met him in many a running fight. A bitter hatred existed between the two men, and the Cherokee had tried to destroy Harman's family several times when Harman was engaged in scouting and was absent from home, but his attempts had never been successful; he had frequently driven off horses and cattle belonging to Harman. It is said that Harman and this chief had been friends at one time, and that they were both guides in the Sandy Creek Voyage.<sup>6</sup>

named Tarhe, or the Crane, who was old enough in 1751 to have led a hunting party or even a war party into the wilderness. He became head chief of the Wyandots on the death of the Half-King.

It is said that Dr. Walker gave this river the name Louisa in honor of Louisa, the wife of the Duke of Cumberland. Louisa is a good old English name. It was in much favor with our ancestors. It should be restored to the river to which Dr. Walker gave it. The Louisa Fork should be called the Louisa River. The Tug Fork should be called the Tug River. The river formed by their junction should be called the Big Sandy River.

<sup>6</sup> The traditionary accounts of this Indian attack vary much. In some of them little of what actually happened can be found. Matthias Harman, a nephew of the fourth generation from his famous uncle, for whom he was named, wrote the following:

"William Harman and Aquilla Harman were once out hunting on a very cold day and the Indians made a raid upon the settlement in the Baptist Valley [and] about this time, or 1780, gave the settlers some trouble. Henry Harman and his three sons, George Harman, Ed. Harman, Tias Harman, and a man by the name of Draper followed him down the Tug Fork of Sandy to what is now Warfield where they found the Indians camped by a log and Harman fired on them. Draper left them.

"The Indians shot the old man Harman in the breast with arrow spikes until he could not stand without leaning against a tree. His son, George, loaded his gun for him. There he stood until he shot six of the Indians dead. The seventh was wounded, ran into the Tug River and drowned himself."

Rev. M. T. Burris included the following account in his manuscript:

"Daniel Harman was a brother of Henry, George and Matthias Harman, the great Indian fighters and early explorers of the Tug and Levisa forks of Big Sandy. They had a terrible battle with Indians on Tug River, up near the Va.



When the Indians disappeared Matthias Harman determined to return home at once. He was certain that the Cherokee would fall upon the settlements and inflict what damage he could, for he was a daring marauder and is represented to have been persistent in the pursuit of revenge, which it was believed he would now seek for his son slain in battle. The absence of Harman and other riflemen from the settlements gave him an opportunity which the hunters believed he would not let pass.

A number of arrowheads remained in the wounds of Henry Harman, making his condition serious. On this account no pursuit of the Indians was attempted. A litter was made and the wounded man was sent to his home, which was in the vicinity of Ab's Valley.

The surmise of the hunters concerning the intention of the Cherokee chief proved correct. He went as directly to Walker's Creek as he could from the battlefield. It was the judgment of the hunters afterwards when all the facts were known that he divided his band and sent a part of it on to the Cherokee towns, perhaps with the body of his son. The hunters believed there were more Indians in the party which attacked their camp than in the band which fell upon the home of Thomas Wiley. It was known later that the party with which the Cherokee attacked the settlement was composed of two Cherokees, three Shawnees, three Wyandots, three Delawares, a total of eleven Indians—a mongrel band, a thing not uncommon at that time. It was also learned that the party was on the trail from the villages beyond the Ohio to the Cherokee towns on the Little Tennessee, and that they had come upon the camp of the hunters by chance. It was not a war party but a roving band such as might be encountered at any time in those days in the wilderness.<sup>7</sup>

line. They came upon the Indians a little unexpected, George Harman commanded his squad, and the battle opened in earnest it seemed at first that the Indians would be too much for them; Harman's boys said to him, 'Had we not better retreat and try to save ourselves?' (A man by the name of Draper ran at the first fire.) Harman replied in a determined voice, 'No, give them h—!! When you see me fall it will be time to retreat.' At that word the boys took fresh courage and loaded and kept blazing away. G. Harman was a brave man; the chief ran up close to him, made motions to Harman to throw down his gun so he could take him a prisoner but he would not, they closed in a scuffle, they were so near equally yoked in strength the Indian could not hold him down; in [the] scuffle Harman got hold of the Indian's butcher knife that was in his belt, and began to use it in earnest, having the Indian by the legs, Indian's head down, biting Harman's legs. Harman stabbed him 24 times before he dispatched him, the others took to their heels, as the Harman company was proving too much for them. The Harmans had a rock [house] or cave in that region where they camped on Tug, hunting and exploring. (These facts I learned from Adam Harman)."

Adam Harman, here mentioned by Mr. Burris, was a nephew in the third generation, of Matthias Harman. While there is much error in these meager accounts, they evidently preserve some of the details of the battle between the hunters and the Indians. The one written in the text is that of Adam P. Wiley. There were some things of which he was uncertain, and his description of the encounter is deficient in the matter of detail. But I wrote down all that I was certain of.

It is believed that this battle with the Indians by Harman and his sons and others was in fact that which is described by Bickley in his *History of Tazewell County, Virginia*. Adam P. Wiley said that Bickley had this battle in mind when he wrote his account, and that he was in error in many things, particularly the date, locality, the number of persons engaged on each side, and the important developments which grew out of it.

The late Dr. Witten, of Oklahoma City, Oklahoma, knew Bickley, and was in Tazewell County when his history was published. He said that Bickley fell into a good many errors, and that these were pointed out by the people upon the appearance of the book. He is authority for the assurance that Bickley was conscientious, and that the errors in his book were the result of insufficient research and investigation. Bickley places the battle in 1784 and makes nothing of it more than an insignificant collision of stragglers, while in fact it was an important meeting of those contesting for the supremacy of the wilderness.

<sup>7</sup> The number of Indians belonging to the different tribes represented in the

Mrs. Wiley, upon her return, gave a good description of the Indians. She supposed the Cherokee chief to have been more than fifty years of age, possibly sixty. He was a large man, stern and hard of countenance, resourceful, full of energy and quick of mind and body for an Indian, much more cruel than his companions, and treacherous but bold and relentless. His ears and nose were decorated with Indian ornaments, among them silver rings of elaborate workmanship, some of them as much as three inches in diameter. He wore buckskin leggings and beaded moccasins, a shirt of red cloth, carried a knife and a tomahawk in his belt, had the shot-pouch and powder-horn of the white man slung over his left shoulder and under his right arm, and was armed with a long rifle which he carried muzzle forward on his shoulder. He was fierce and irascible, and Mrs. Wiley stood in much fear of him from the first. He had carried away a white woman from some Kanawha settlement a few years previous to this raid. Many years afterwards it was believed this was a Mrs. Tacket, descendants of whom live now in Johnson County, Kentucky.

Among the Shawnees of the band there was a chief. He was an old man and while a warrior he was also a sort of medicine man or priest. He was of grave and solemn mien and, like the Cherokee, had his nose and ears decorated with Indian gewgaws, but these he seldom wore while on the war-path, they being a part of his ceremonial regalia. He had a number of small silver brooches strung together in chains with which he ornamented himself, and he carried rings and other ornaments for his arms, wrists and ankles. He worshiped the New Moon, or performed some manner of incantation at the appearance of every new moon. His songs were long and always recited with solemn dignity, often sung while he marched about a fire kindled for the purpose and upon which he flung some substance with which tobacco had been previously mixed. Age had not impaired his strength, although he was long since done with much of the ardor which had animated his youth. He was of a more kindly disposition than the other Indians. He did not make such show of his ornaments as did the Cherokee chief, who carried a buckskin bag containing his silver ornaments, and another also which contained ornaments of shell, bone, brass and copper. Mrs. Wiley gave good descriptions of the other Indians, but it is not necessary to repeat them here.

### III

#### INDIAN ATTACK ON THE SETTLEMENT

Mrs. Wiley remembered well the state of the weather the day the attack was made upon her home. A heavy rain began at noon, and soon clouds of fog hung about the mountain tops and drifted up the valleys. The autumn frosts had turned the forests a sombre hue which, showing under the dull and leaden sky, aroused a sense of melancholy.

Thomas Wiley was absent from home that day. Before daylight he had set out for some trading station with a horse laden with ginseng and other marketable commodities which he would barter for domestic necessities. Mrs. Wiley's brother, a lad of fifteen, remained with her in the absence of her husband. The trading station was a considerable distance from Wiley's residence, and it was not expected that he could reach home until late at night.

There had been born to Thomas Wiley and his wife four children, the age of the youngest being about fifteen months.

band Mr. Wiley had from his mother. This party was not on the war-path. The Indians were going to visit in the Cherokee country. Their meeting with these hunters was purely accidental.

John Borders lived about two miles from the house of Wiley. Some of his sheep had broken from an enclosure and escaped into the woods. While they remained there they were in danger of destruction from wolves and other wild animals. In the morning of this day Borders had gone out to search for his sheep. He had not found them when the rain set in. After wandering awhile in the rain he found himself in the vicinity of Wiley's cabin and went down to it. He found Mrs. Wiley engaged in weaving a piece of cloth for use in her family. He called her attention to the cries and hooting of owls which could be plainly heard from different points in the woods around the house. He said that he had heard these cries since the rain began to fall, but had not heard them before. While it was not unusual for the owls to call from mountain to mountain on dark and rainy days Borders was apprehensive that the hootings heard this day came from Indians signaling to one another. Indians always used the cries of wild animals as such signals. Borders urged Mrs. Wiley to take her children to his house and remain there over night as a matter of precaution. Mr. Wiley would pass his house on his return and could be hailed and remain there also. Mrs. Wiley agreed to go as Borders requested, but wished first to complete the piece of cloth, which would require but a few minutes. As her brother could assist her in bringing the children Borders returned home at once through the woods and made further search for his sheep.<sup>1</sup>

As soon as Borders departed Mrs. Wiley made all haste to feed and care for the domestic animals on the farm and arrange for her absence from home over night. The Indians were always expected in those days, but Mrs. Wiley felt no fear. It was her judgment that no attack would be made upon any settler until after night came on. Usually that course would have been taken by the Indians, but in this instance they were anxious to proceed as rapidly as possible.

It was about four o'clock in the afternoon when Mrs. Wiley and the children were wrapped and ready to start to the home of Borders. Suddenly the house was filled with Indians. They came in at the open door yelling the war-whoop and began to strike down the children with their tomahawks. Little resistance could be offered by Mrs. Wiley. She realized the awful condition she was in, but she tried to save her children. She could not reach any weapon and could only struggle to protect the little ones. Her brother aided her as much as he could until he was brained with a tomahawk. Only the youngest child remained alive of her children. She caught up this child and fought off the Indians a few moments, after which the Shawnee chief found an opportunity to seize her and claim her as his captive. This angered the Cherokee chief, and a controversy arose. Mrs. Wiley learned in some way from the actions of the two chiefs and what they said that they supposed themselves at the house of Matthias Harman. She made haste to inform them that they were not at the Harman residence and told them her name. It appears that there had been some doubt as to which was Harman's house in the minds of the savages. For the time being Mrs. Wiley's life was spared, also that of the child she had in her arms. Her slain children and her brother were scalped before her eyes.

The Indians found that their plans had miscarried. The family of their arch enemy had escaped, though they had perpetrated a bloody deed in the settlement. The Cherokee insisted that Mrs. Wiley and her child should be killed at once and a descent made upon Harman's house. The

<sup>1</sup> To follow along the course of the creek it was a mile from the cabin of Thomas Wiley to that of Matthias Harman, but by the path which led over a low hill the distance was less than half a mile. When standing in this Indian trail on the top of the range if you went down to the south you came to Harman's house; by descending to the north Wiley's cabin was reached.

Shawnee chief believed that the hunters would return that day and that they would meet with resistance at the Harman cabin. It was his opinion that they should make their escape from the settlements and continue their journey, for pursuit was certain. The Cherokee was equally certain that they would be followed by the settlers and was finally brought to the opinion of the Shawnee, but he pointed out that they could not escape if they carried any prisoners. The Shawnee chief contended for his right to take a captive and carry her to his town. It was finally decided that the Shawnee might retain his captive for the time being, though it necessitated as they believed, a return to the Indian towns beyond the Ohio. Their decision to follow this course saved Mrs. Wiley's life. She did not know what the Indians were saying, and only came to know what had passed long afterwards when she understood the Shawnee language. Both chiefs could speak English a little, but this discussion had been carried on in the Indian tongue. The Shawnee chief informed her that he had saved her life that she might take the place of his daughter who had recently died, the last of his children.<sup>2</sup>

The Indians set the house on fire, but such torrents of rain were falling that it did not completely burn. They entered the woods at a point near the house. Darkness was coming rapidly on. Mists and the black clouds of night swallowed up the valley and shut out the view. Mrs. Wiley's dog came hesitatingly after them and was permitted to follow her. They ascended a hill north of the house, marching in Indian file headed by the Cherokee chief, the Shawnee chief being hindmost with Mrs. Wiley, her child in her arms, just in front of him.

#### IV

#### THE MARCH TO THE OHIO

After leaving Wiley's house the Indians took a general course leading to the head of Walker's Creek. They followed mountain ways and short cuts from one valley to another, coming to Brushy Mountain, which they crossed to the head waters of Wolf Creek. When the night was far advanced they halted in a large rockhouse<sup>1</sup> in the range between Wolf Creek and the Bluestone River. There they made a fire under the overhanging rock and broiled some venison which a Cherokee took from a pack he carried by thongs on his back. They made a hasty meal of this venison, which appeared to refresh them all, and when the rain ceased they again set forward after extinguishing the fire and concealing as far as possible all traces of its existence. It was still quite dark. The dull dawn found them on the head waters of the Bluestone, branches of which river they waded as they came to them, though all were running high from the recent rains. They crossed the Great Flat Top Mountain and ascended the south end of one of those ridges lying in the watershed

<sup>2</sup> In all his recitals of his mother's captivity Mr. Wiley never omitted to include the fact that his mother was to be the daughter of the Shawnee chief. The formal adoption, he insisted, could not be made until the Indians reached the towns of the Shawnees, consequently she could not be given in marriage to any one before they reached there. Being, to all intents and purposes, the daughter of the chief, Mr. Wiley maintained that his mother was safe from violation and escaped that humiliation. It has been stated that an Indian daughter was born to Mrs. Wiley after her escape and return to the Virginia settlements. Mr. Burris confirms this. Some versions of the captivity of Mrs. Wiley had it that she was carried to Old Chillicothe and that her sale to the Cherokee occurred there, after which she was carried to the old Indian town at the mouth of Little Mudlick Creek by the Cherokee as his wife.

<sup>1</sup> The term "rockhouse" is heard only in the South, and principally in the region of the Alleghenies south of Pennsylvania. It is not used in connection with a cave. It does not apply to a cave. A rockhouse is the open space beneath an overhanging rock or cliff.

between Guyandotte and Tug rivers. This rough range extends almost to the Ohio. The great Indian trail up the Tug River often followed along its tortuous and uneven crest and from that cause it was long known as Indian Ridge, especially in its southern reaches.

The Indians made no halt during this day's travel until late in the afternoon, when, believing themselves beyond any immediate danger of being overtaken by the whites, they made a camp in a rockhouse in the head of a creek below the crest of the mountain. They had not killed any game during the day, although both bear and deer were in sight more than once. Their meal consisted of venison from the pack of the Cherokee. This venison was dried until hard, but the Indians held it in the flames of their camp fire until it was cooked a little, then they ate it. Mrs. Wiley ate some of it, also some parched corn from the wallet of one of the Indians. She was exhausted with the long and rough march of twenty-four hours she had been forced to make. She had climbed mountains and waded streams; she had forced her way through thickets of laurel and ivy, and had tramped through quagmires and over stones; she had been compelled to ascend almost perpendicular cliffs and to descend sheer precipices. Much of the time she had been drenched to the skin. Her child was in great distress and had cried until it could cry no more because of hoarseness. At this camp she saw the warriors make hoops of green boughs and over them stretch the scalps of her brother and her children. In after life she often declared that at no other time did despair so take hold of her as it did this second night of her captivity. When the Indians lay down to sleep they bound Mrs. Wiley with strips of raw deer skin. She was in a state of nervous delirium and could not sleep, neither could she rest. Every time she closed her eyes she seemed to behold the slaughter of her children anew, and more than once she shrieked aloud. Her cries aroused the old Shawnee, who finally unbound her. He lighted a torch and carried it into the woods, returning soon with some leaves from which he made an infusion in a small vessel he carried. He gave her some of this preparation to drink, after which she fell into a troubled sleep that continued through the night.

The Shawnee chief aroused Mrs. Wiley before the dawn. The Indians were preparing to depart. She was given some corn and venison for the morning meal, and the whole party again set forward. The mountain streams were running bank full from the recent heavy rain, and the Indians avoided them as much as possible by keeping to the paths which followed the ridges. It was with much difficulty that Mrs. Wiley could proceed. She was urged by the Indians to quicken her pace, but her progress was slow and painful. The only thing which enabled her to drag herself along was the fear that if she failed to keep up with the Indians they would kill her child. More than once was this proposed by the Cherokee chief, and it was acquiesced in by all the band save the old Shawnee. As the day advanced the reserve forces of her strong constitution came to her aid and she made better time, but her marching was not satisfactory to the Indians.

When the Indians were starting out this morning they sent two of their number back over the trail to keep watch for the whites, for they were confident that the hunters would follow them. Some of the younger members of the band believed the heavy rains had washed out their trail, but the Cherokee said such was not the case, especially if they should be followed by Matthias Harman. This was one of his strong arguments in favor of killing Mrs. Wiley's child. It was with difficulty that the old Shawnee withstood the demands of the Cherokee chief.

At the end of this day's march an encampment was made in a location much like that of the preceding night. The Indians halted before

the sun was down because one of their number had killed a fat bear at the time, and they feasted most of the night. Though the march had been severe the distance passed had been much less than was covered during the same time of the day before, and Mrs. Wiley's condition had improved somewhat, but her feet were terribly bruised and blistered. She had little hope that her child would live through the night. There being nothing better at hand she rubbed it well with bear's grease, and at the suggestion of the Shawnee chief she forced it to swallow some of the melted fat. This seemed in a measure effective, for the morning showed improvement in the child's health. The Shawnee chief made a decoction of some leaves boiled with the inner layers of the bark of the white oak, which he caused Mrs. Wiley to apply to her feet, and which gave her immediate relief. An additional application in the morning caused still further improvement, and this, together with the improved condition of her child, caused Mrs. Wiley to begin the day with more hope than she began the previous one. The party left the camp before it was light and continued the journey in the direction of the Ohio. A heavy rain had fallen in the night, and it rained most of the day. A terrific storm of wind and rain drove the party under a cliff shortly before darkness came on, and they built a fire and camped there. That camp was in the hills just west of the head of Twelve Pole Creek. The Indian scouts who had been sent back each day reported late at night, and here they said they had seen no pursuers on their trail.

The Indians left their camp, as was their custom, on the following morning before it was light. Insufficient food and the continuous marching was rapidly exhausting Mrs. Wiley, and she found herself unable to move forward so rapidly as on the previous day. She was failing under hardships and the burden of her child. The Shawnee chief warned her of the consequences of failing to keep up with the warriors. But try as she might she could not satisfy her captors.

The Indians who had been sent back as scouts this morning returned late in the day and reported that they had seen a large party of white men on horseback following their trail. This was not unexpected intelligence, but the Indians discussed earnestly what it was best to do in the matter. Some proposed an ambush of the white men, but this was not taken as the best course to follow. The Cherokee chief proposed the immediate death of the child and a change of course. Mrs. Wiley promised to keep up with the march, and with the aid of the Shawnee chief saved the life of the child for a time. The Indians turned west and descended the hills toward Tug River. They sought a small stream and waded down it until it became too deep for that purpose, when they changed to another. Mrs. Wiley kept well up for a few miles, then began to fail. Despite her utmost exertions she could not march at the rate the Indians were then going. She fell behind the Indians marching in front of her, and began to feel that her child was in great danger. She suspected that her friends were near, although the Indians had told her nothing. At length the Cherokee chief stopped. He was leading the march, and he and most of the party were far in advance. Mrs. Wiley knew what he would do when he came back to her place in line. His arrival there meant death for her child and possibly death for herself. The Shawnee chief was following her in the water. Mrs. Wiley ran out of the stream and with her last strength ran back up its course with her child.<sup>2</sup> She had no particular object in doing this except to carry her

<sup>2</sup> This stream flows into Tug River. It is the first stream of any considerable size on the West Virginia side below Marrowbone creek. The Indians waded down the last named creek until it got too deep to allow rapid traveling; then they crossed the mountain to the creek upon which Mrs. Wiley's child was killed. Ever since the country had been settled this creek has been called Jennie's Creek, in honor of Mrs. Wiley. After she moved to Kentucky Mrs. Wiley went to this

child out of danger, and that was a vain effort. The old Shawnee was surprised, but he ran after her and caught her just as the Cherokee chief came up. She was surrounded by the Indians. The Cherokee chief seized her child by the feet and dashed out its brains against a big beech tree. He scalped it, and she was pushed back into the stream and forced to continue her flight.

It was almost dark when the party reached the Tug River, which they found much swollen from the recent rains. As the Indians arrived on its banks a violent thunder storm broke over the valley. The Indians realized that in crossing the river at once lay their only hope of escape from the party in pursuit. Their only means of crossing the stream was by swimming. With the river at the stage at which they found it, that was a dangerous undertaking. At all times a swift mountain stream, it was now a raging torrent covered with drift and all manner of river-rubbish. Mrs. Wiley was amazed and terrified when told she must cross the mad stream by swimming in company with the Indians. In the gathering gloom its contortions were visible only by the fierce flashes of lightning that burned in the heavens. It seems impossible for any one to survive a conflict with this raging river. But she was seized by two Shawnees and dragged screaming into the surging flood. One swam on either side of her. They grasped her firmly by her arms and swam easily and swiftly. They went with the current of the stream and avoided the drift with the dexterity of otters. Their position was almost upright with much of the body above the water; and they pushed but slightly against the current but were all the time working themselves toward the opposite shore. After being carried down the river what seemed to Mrs. Wiley several miles they were all cast to the west bank and found themselves in "dead" water in the mouth of a small creek. There it was much more difficult to swim and support the captive above the water, but they succeeded in effecting a landing. The whole party was exhausted and some time was spent in resting, after which the journey was continued. The Indians waded up the stream into the mouth of which they had been cast by the river. It led up into a very rough mountain covered with bristling thickets of laurel and ivy. The storm cleared and the air became chill as they descended the mountain range they were crossing. A large rockhouse was sought at the base of the range and a small fire made in it and the blaze screened. The Indians left this camp at dawn, and in the afternoon reached the Louisa River. There they cooked and ate a small deer which had been killed on the march and which made an insufficient meal for the party. The Louisa River was found full to the brim. After resting until almost dark the Indians crossed it as they had crossed the Tug. They went into camp under a cliff behind a mountain and built a roaring fire about which all slept through the night. In the early light of the following morning they sent out two of their number to hunt. In a short time the hunters returned with part of a buffalo they had killed in a cane-brake. The day was spent in eating and sleeping. The Indians believed they had made a complete escape from their pursuers and did not again give that subject any serious consideration. As the sun was nearing the tops of the hills in the western range the party set forward again. They followed a trail which led through valleys and over rough hills, but they marched in a leisurely way. It was well for Mrs. Wiley that they made no forced marches for she was by this time worn out. The loitering marches brought the Indians to the Ohio River on the ninth day of Mrs. Wiley's captivity.

creek and identified the place where her child was killed; she identified the big beech tree against which the Cherokee chief dashed out its brains. This tree was preserved, and it was standing twenty years ago.

## V

## TAKEN BACK TO LITTLE MUDLICK CREEK

The Indians did not descend directly to the Ohio, but came down the hills west of the Big Sandy and followed that stream about a mile to its mouth. They found an immense flood in the Ohio, something they said was unusual for that season of the year. This flood increased the difficulty of their retreat. Notwithstanding this fact, however, the Indians appeared much pleased to reach the Ohio. The younger members of the band exclaimed "O-hi-yo! O-hi-yo! O-hi-yo!" seemingly in great delight.

How to cross the Ohio was now the question for the Indians. They discussed the matter for some time without arriving at a satisfactory conclusion and finally returned to the hills to avoid the backwater, pushed far up the small streams, and kept down the Ohio. Much of the time they were not in sight of the Ohio. They reached the mouth of the Little Sandy River without finding any means to cross the Ohio and again held council to determine upon a course. They were assisted in a decision apparently by the return of two Indians whom they had sent back from the crossing of the Louisa River to spy upon the movements of the pursuing party. Their report was delivered out of the hearing of Mrs. Wiley who was beginning to understand a few words of the different Indian tongues. After several hours spent in talk the party divided. The Cherokee chief, the Cherokee warrior, two Wyandots, and two Delawares swam across the Little Sandy River and disappeared in the woods.

The remaining Indians, with Mrs. Wiley, took their way up the Little Sandy. They appeared to be in no hurry. They left the main stream at the mouth of the Dry Fork, which they followed to the head of one of its branches. They crossed the divide through the Cherokee Gap to the Cherokee Fork of Big Blaine Creek. As they were descending this creek Mrs. Wiley became seriously ill, but she concealed her condition from the Indians as long as possible, fearing she might be killed should they discover the truth. It soon became impossible for her to proceed, however, and the Indians went into camp near the mouth of the creek. They placed Mrs. Wiley in a small rockhouse near the camp and left her alone. There a son was born to her. The birth was premature and she was near death for some time, but she finally recovered and the child lived. She attributed her recovery to a season of fine weather which came on. The Indians brought her meat from the game they killed and from the first of her illness kept her a fire; but as soon as she could walk they left her to gather her own fire-wood. Knowing that it was impossible for her to escape, the Indians paid little attention to her.

The Indian party spent the winter in camp at the mouth of Cherokee Creek and allowed Mrs. Wiley to live alone in the rockhouse with her child. She lost all account of time. She did not know the day of the week from the time they went into camp there until she made her escape. The Shawnee chief gave her child a name. The sojourn at this place was uneventful but for one instance. One day when the weather was becoming warmer the Shawnee chief came to the rockhouse and said the child was "three moons," meaning that its age was then about three months. He informed her that he was making preparations to give it the first test a boy was expected to undergo. He made no explanation and soon left the rockhouse. He returned in a short time and commanded her to take the child and follow him. He led her to the creek where the other Indians were assembled. The chief tied the child to a large slab of dry bark and set it adrift in the swift water of a small shoal. The child began to cry as soon as it felt the cold water, and this action seemed to condemn it in the minds of the warriors. They brandished



their tomahawks, and Mrs. Wiley rushed into the water and rescued the infant, immediately returning to the rockhouse with it. The Indians followed her, and when they arrived at the rockhouse the Wyandot killed the child with his tomahawk and immediately proceeded to scalp it. She was not molested, but she saw that the Indians were very angry. She was permitted to bury the child in a corner of the rockhouse.

Soon after the murder of her child and while the streams were full from melting snow the Indians left their camp at the mouth of Cherokee Creek. Mrs. Wiley was not strong but was forced to keep up with the party. They followed a trail which led up Hood's Fork of Big Blaine Creek. Crossing through a gap at the head of one of its branches they came to the Laurel Fork, which they followed to that fine rolling country now known as Flat Gap, in Johnson County. From that point they followed a small stream to the main branch of Big Mudlick Creek, which they descended to the great buffalo lick from which the stream derived its name. They camped at the lick in hope of killing some game, but none came during their stay. They broke camp one morning at dawn and went down the creek, arriving during the day at an old Indian town at the mouth of Little Mudlick Creek. The actions of the Indians there made Mrs. Wiley suppose that the end of their journey had been reached and that they would remain for some time. As that is a somewhat remarkable location and the Indians kept Mrs. Wiley there until the following October a description of some of its most prominent features will not be out of place here.

Little Mudlick Creek is about three miles in length. In dry summers there are times when little water can be found in its bed. Its general course is from north to south, but it falls into Big Mudlick Creek from the east. It joins the larger stream about half a mile from where Big Mudlick and Big Paint Creek unite.

On the face of the cliff overhanging the waters of the larger creek were formerly found many Indian hieroglyphics and strange pictures. These pictures were usually skeleton drawings of animals native to the country, such as the buffalo, bear, deer, panther, wolf, turkey, and a few of turtles and rattlesnakes. These figures were put on the cliffs with black or red paint; no other colors were used. There was no mixing of colors; there were red groups and black groups, but nowhere were the two colors found in the same group. In no instance were the figures cut or scratched into the rock. Time, thoughtless and mischievous vandalism, and the weather have destroyed them all. In 1850, some of the groups were faintly visible, and as late as 1880 one group of deer in black, on the cliff over the larger creek, was yet very distinct.<sup>1</sup>

<sup>1</sup> When Johnson County, Kentucky, was first settled there were found along the Indian trail from the mouth of Mudlick Creek to the mouth of Big Paint Creek occasional trees which had been stripped of their bark from the ground to a considerable height, sometimes as far up as thirty feet. Often a tree had the bark stripped from but one side, which made a dry hard surface on that side of the tree, while the other side still lived and preserved the tree. Trees thus treated were found all along the trail, but at some points there would be found groups of them, all of which had been so denuded. The smooth surface thus provided was covered by the Indians with outline figures of animals and birds, put on with a tenacious and lasting paint of two colors only—red and black. As it is not known that trees thus treated and marked were found at any other place in the United States, this circumstance may be regarded as very remarkable. The signification of these paintings was never discovered, and it is not known whether they were made by but one tribe or by all the tribes inhabiting the Ohio Valley. Trees so marked were to be found all along the valley of the Big Sandy, including both branches, but, so far as has been ascertained, no locality had them in so great abundance as the country around the lower course of Big Paint Creek. Whether the custom had prevailed among the tribes for ages, or whether it was of recent date and origin was never known. It is known that the Shawnees, Delawares, Wyandots, Toteris, Cherokees, and Iroquois, regarded the Big Sandy Valley with peculiar and lasting veneration. They clung to it with tenacity, and it was the

Beyond each of the creeks the plateau is irregularly continued. To the east across the smaller creek there is a mound-like hill the base of

last stream in Kentucky to be surrendered by them. It was a favorite valley of the Mound Builders, as evidenced by many remains of their occupation.

Upon the south bank of the creek against the "flat rock ford" is a low cliff, beneath which there is a small rockhouse, which would afford shelter for fifty or sixty people. This locality seemed to hold a fascination for the Indians. On the top of the cliff a great elm had been stripped of its bark to a height of thirty feet or more. Winding about the tree and encircling all the smooth surface made by taking off the bark was a huge rattlesnake put on with black paint. Many other trees in the vicinity were stripped or partly stripped of their bark, and painted, various animals of the country being represented. One tree in the upper end of the creek bottom in which is situated the town of Paintsville, on the spot where Rev. Henry Dickson (Dixon, it is now written by his descendants) built a grist mill to be operated by horse, mule, or ox power, and called by the early settlers a "horse mill," was painted; it was a giant elm, and it bore a huge bear put on with red paint.

There are many salt springs or "licks" in the vicinity of where Paintsville was located. Several of them were at the foot of the hills back of the town and are now covered by the washings from the cleared hillsides above them. The trees about these licks were painted by the Indians, the characters being of the same nature as those already described. From this cause the first hunters and explorers of the country called these licks "painted licks," and they named the stream upon which they were found Paint Lick Creek, and it is so marked on the map of Kentucky in the 1797 edition of Imlay's America. The name was given by Matthias Harman and his associates. When Colonel John Preston, Judge French, and others of Virginia, who speculated in the lands of the Louisa River Valley, wished to name the trading station which they established on the present site of Paintsville in 1790, they called it Paint Lick. The Rev. Henry Dickson came from North Carolina and bought the land about the old station and laid out the present town and named it Paintsville. Prestonsburg was also founded by Col. Preston and others, and first called Preston's Station. The station was established in 1799. After Vancouver left the forks of the Big Sandy a town was established there and named Balclutha. On the Imlay map, already mentioned, Paint Lick and Balclutha are both marked. To Johnson County belongs the honor of having within her bounds the sites of both the first and second settlements made in the Big Sandy Valley and in Eastern Kentucky.

Above the mouth of Big Paint Creek there is a river bottom extending up the Louisa River about a mile. At a point near the creek bank, and at an equal distance from the river, there is a large mound, the work of prehistoric inhabitants of the valley. Several hundred feet up the river, and directly south of this mound, there is another, not quite so large. At an equal distance south of the second mound there is a third one a little smaller than the second. And there is at an equal distance south from this mound a fourth one still a little smaller than the third. There is a mound just back of the rockhouse overlooking the flat rock ford. These mounds were covered with large trees when first seen by white men. The original public highway up the Big Sandy River was laid out to cut the north side of the second mound. In making this public road the mound was cut, and the skeleton of a man of large size was found. It was enclosed in a sort of rude box made by placing flat thin river stones about and over it. The large mound was opened a few years since, and the skeleton of a man was found, or rather the plain imprint of one, but the bones had perished. These mounds were made of layers of different kinds of earth, and there were several layers of clean river sand in them. Layers of ashes and charcoal were found, indicating that it may have been the custom of the builders to burn their dead there, or place the ashes of their dead there after the bodies had been burned at some other place. The Cherokee Indians said to the early settlers there, in speaking of these mounds: "There is fire in all those mounds." What they meant by this statement they could not explain. Many pipes, arrowheads, spearheads, and stone axes were found in and about these mounds.

To the southwest of Paintsville and in plain view of the town there is a solid sandstone ledge rising from the top of a hill to a height far above the surrounding forest. This immense mass of sandstone is locally known as the "hanging rock." On the hilltop back of this great cliff there are a number of Indian graves covered with a great quantity of loose sandstone fragments which have evidently been carried there from a considerable distance. Indian graves of this description are very common in Eastern Kentucky, and they are always found on the tops of ridges.

Above the small cliff at the "flat rock ford" the first explorers found a number of decaying cabins. The Ohio Indians said that they and the French had built them many years before, and that they had lived there. They also said that

which rests upon an expanse of country of the same elevation as the plateau. To the north between the smaller stream and Big Paint Creek stand two such hills with bases resting upon a similar elevation. To the west beyond the larger creek the continuation of the plateau is narrow, a ledge of sandstone with its east and south sides almost perpendicular. At a little distance south of this ledge and entirely detached from it is a large mass of sandstone with sides nearly perpendicular. This rock rises from the low-lying creek bottom and has a flat top of considerable area which can be reached with difficulty. From this elevation to the mouth of Big Mudlick Creek is half a mile, and the land is a bottom lying just above overflow. This creek bottom is an old Indian field. At the time of the coming of the white man it contained many mounds. There is one very large mound or mound-shaped hill covered with broken sandstone. Human bones, stone axes, spear and arrow heads of flint, carved shells, and stone pipes were here turned up in great abundance by the plows of the first settlers.

The Shawnees told Mrs. Wiley that in ancient times their ancestors had their villages about the junction of the Mudlick creeks, also all along Big Paint Creek from the mouth of Big Mudlick Creek to the Big Sandy River. They also told her that they never passed through that part of the country without visiting Little Mudlick Creek and the country about their ancient village.

## VI

### THE PRISONER BURNED

The Indians holding Mrs. Wiley in captivity arrived at the mouth of Little Mudlick Creek about the first of April, possibly as much as a week or ten days earlier than that. They took up their abode in a rockhouse in the face of the cliff on the east side of the plateau. This rockhouse was just below the falls of Little Mudlick Creek, but at a higher elevation in the cliff than is the bed of the creek at the falls. The ledge at the entrance of the rockhouse overhangs the creek which runs 100 feet or more below it, and the entrance is sixty feet at least below the top of the cliff. It is reached by following a narrow ledge along the face of the cliff from a point opposite the upper falls. This rockhouse is of considerable extent. It affords a safe retreat for the party and one almost inaccessible to enemies if properly defended by even a few persons. It afforded a cool and pleasant habitation in summer.

The manner of life of the party was not unlike the daily life in an the Toteris or Shatara Indians had lived there before they built the cabins. These Toteris Indians had a town on the Lick Fork of Jennie's Creek, extending from the forks of that stream to the point now known as Hager Hill. The Shawnees and Cherokees pointed out to the early settlers the sites of many towns occupied by the Toteris Indians.

It is a tradition that some of the Connellys, probably Harmon Connelly and his brother Thomas, Daniel Boone, Matthias Harman, Walter Mankins, and a number of other parties, among them James Skaggs and Henry Skaggs, descended the Louisa River about 1763 in search of a suitable place to settle. They camped about these old cabins at the mouth of Big Paint Creek for six weeks. The river and creek bottoms were covered with a rank growth of cane, much of it so high that it would conceal a man on horseback. The fierceness of the Indians made it impossible for them to locate there then. They killed much game. Great herds of Buffalo roamed the country at the time. John Howe, Esq., the famous millwright, son-in-law of Rev. Henry Dickson, has often spoke of the journey of the Connellys, Boone, and others. He also said that the river was sometimes so full of buffalo wallowing in the shoals that it was impossible to get a canoe either up or down until the shaggy animals had departed. Mr. Howe and many other pioneers of Johnson County repeatedly said that Simon Kenton occupied the old cabins at the mouth of Big Paint Creek two winters, or parts of two winters, 1773-74 and 1774-75. He hunted in that region during those winters and very probably lived in one of those old cabins.

Indian village. Mrs. Wiley was compelled to perform all the drudgery of the camp. The warriors lounged about the caves and slept when not hunting or scouting. Hunting was not extensively engaged in, summer peltries being of poor quality. Only enough game was killed to furnish food for the party. Usually turkeys, deer, and buffalo were easily found near the camp, though the Indians often went to the great lick on Big Mudlick Creek to kill buffalo, especially when visited by other bands. They sometimes hunted on what is now known as Barnett's Creek, also on Big Paint Creek between that stream and Big Mudlick Creek. They sometimes required Mrs. Wiley to follow them and bring in the game they killed. She was shown how to care for the skins of the animals killed. She gathered the wood for the camp fires. As the Indians had no axe she was obliged to gather the dry branches which had fallen from the trees, and before the summer was over these were exhausted near the camp. The French and the Indians had discovered lead in that vicinity, and Mrs. Wiley was made to carry the ore from the lead mines to the east edge of the plateau and there smelt it out to be used for bullets for the guns. To do this she had to collect a great quantity of wood and build a hot fire which had to be maintained for some hours. When the lead was melted from the ore it was conducted through small trenches to the bottom of a depression which Mrs. Wiley had made for the purpose and which was to be seen as late as 1880. It was just above the entrance to the rockhouse. She was also made to plant some corn in the old Indian field which had been the site of the old Indian town.

The Indians remained at the camp on some mysterious mission, as Mrs. Wiley judged. They were often visited by other bands, some of which contained as many as twenty Indians. Sometimes these visiting bands remained several days; at other times they departed in a few hours. Mrs. Wiley learned the Shawnee language, also something of other Indian tongues. She made many efforts to hear what the visiting Indians said to her captors, but was never able to get any information of benefit to her. The Shawnee chief told Mrs. Wiley he would take her to the Indian towns beyond the Ohio when Indian summer came on, at which time he expected a large force of Indians to arrive and relieve him. Mrs. Wiley sought an opportunity to escape after this conversation with the old Shawnee, but none presented itself that she could believe promised success. She was entirely ignorant of the general physical features of the country in which she was held, although she believed that she was nearer the Virginia settlements than when she was on the Ohio River. She had feigned sleep in the hope that her captors would say something about the settlements of white people that she might hear, but they never did so. There had been times when she was out of sight of her captors and might have escaped, but never having been able to bring herself to believe the efforts would prove successful, she had waited for a more favorable opportunity. As the time approached when she was to be taken to the Indian towns she became more determined upon escape, or upon death in the effort. Her resolution in this matter was overturned by an event wholly unexpected.

One day about the end of October the Indians were aroused from their indolent loungings by the quavering war-whoop cried by some party about the mouth of Big Mudlick Creek. The Shawnee chief answered the war-cry, and it was repeated. The Shawnee chief informed his party that the Cherokee chief had been on the war-path, had lost some of his warriors, and was now coming into camp with a captive white man. War-whoops were exchanged, and guns were fired by both parties. The Shawnee chief led his party to the plateau to receive the Cherokee chief and his warriors, who soon arrived. The Cherokee chief was followed by a mongrel band of some twenty Indians, and he brought

with him a white man as prisoner. Mrs. Wiley supposed this prisoner to be about twenty years old, though she was not permitted to come near enough to him to have any conversation with him. This captive was terribly beaten when he arrived on the plateau.

Mrs. Wiley was sent back to the rockhouse when the Cherokee chief had talked with the Shawnee chief. The Cherokee gave her a kettle and told her to cook him some meat as soon as she could. She built up a fire in the rockhouse and slung the kettle, which she filled with bear meat and venison. She could hear the mad howling, whooping, and screeching of the warriors on the height above her, also the discharge of guns and the thumping and stamping of feet in an Indian dance. Shortly after dark the whole band came down from the plateau, and the captive was not with them. It did not take her long to gather from the conversation of the Indians that the prisoner had been tortured at the stake. The Cherokee chief was in a great rage, sullen and savage. He did not remain long in the camp but returned to the heights above with his hands full of meat from the kettle. Mrs. Wiley was rudely treated by the Indians recently arrived, and the Shawnee chief and his followers were excited and blood-thirsty. The camp was overflowing with whooping Indians threatening to kill her, and for the first time the Shawnee chief did not stand her friend. She appealed to him but he did nothing to quiet the howling mob, and he left the camp to join the Cherokee. Finally the Indians left the camp and went above, yelling along the gorge above the falls. Mrs. Wiley was more at ease when she heard them whooping on the plateau, but what the night would bring forth she could not tell.<sup>1</sup>

An hour or two after dark a band of Indians, all of the late arrivals, came down from the assembly. They tied Mrs. Wiley's hands with a strip of raw hide, by one end of which she was led to the height where the Indians were assembled about a big fire. The dancing ceased when she arrived. The Cherokee chief appeared as the commander of the Indians and told her that she was to be burned. She appealed to the Shawnee chief, but he made no definite answer. There was no sympathy for her in the mad band. She remembered the cruelties and many outrages she had suffered at the hands of the Indians, and as no prospect of escape came to her or seemed likely to come in the future even should she live, she was the more easily reconciled to death. In after years she affirmed that concern for her life and all earthly things departed from her leaving her calm and collected. In this frame of mind she was bound to the tree, a small oak from which all the lower branches had been cut. Her demeanor seemed to please the Cherokee chief. Because of her courage or from some other cause which was never known to her, proceedings in the execution were suspended. The Indians retired for council and talked for a long time, as Mrs. Wiley believed. When they returned the Cherokee chief informed Mrs. Wiley that he had bought her from the Shawnee and that he would take her to his town on the Little Tennessee where she could teach his wives (he spoke as though he had quite a number of them) to write and to weave cloth like her dress. He unbound her and led her back to the camp in the rockhouse, followed by the Shawnee chief. There the fire was lighted anew. The Cherokee chief produced a buckskin bag from which he counted down to the Shawnee five hundred little silver brooches about as large as the silver dime of today, the price he had agreed to pay for Mrs. Wiley. They were received by the Shawnee as though he had a supreme contempt for money, and swept by him from the buckskin upon which they

<sup>1</sup> Mr. Wiley was positive of the death of this white man. Mrs. Wiley did not see him tortured, nor did she see his dead body. She said the captive was tortured on the plateau overlooking Big Mudlick Creek. The fire about which the Indians were gathered when she was taken to the plateau was near the falls of Little Mudlick.

had been counted to him into a bag similar to that which they had been taken. This bag he placed in his pack and lay down by the fire to sleep.

The Cherokee chief bound Mrs. Wiley with raw thongs cut from a buffalo hide, which he drew very tight, causing her great pain. He returned to the plateau and was gone a long time. He came back with several of his band some time in the night, and all slept in the rockhouse.

## VII

### HARMAN'S STATION FOUNDED

It was late in the day when John Borders returned home from the search for his sheep, and a thick and foggy darkness was settling over the valley of Walker's Creek. When he found that Mrs. Wiley had not yet arrived at his house he feared that harm had come to her and her family, and her sister, Mrs. Border, was distressed and anxious. Borders sought a neighbor who lived near him and together they went to Wiley's house, which they found partly burned. After some time spent in a cautious examination of the place they ventured to enter the house, where they found the bodies of the slain children. The animals about the place were excited and Borders believed the Indians were yet lying in wait to do further murder. Not finding Mrs. Wiley and the young child they were uncertain of their fate, but they supposed none of the family had escaped death. No light was kindled by Borders and his companion, and after a short time spent in making the examination by which they learned the facts set out above they left the house and alarmed the settlers.

The Indians had been seen by no one, and the uncertainty in the minds of the people as to their number and further purpose spread terror in the settlement. No attempt could be made to follow the Indians during the night. Those most capable of determining just what to do in this extremity were out of the settlement and it was not known when they would return. On the following morning a number of the settlers gathered at Wiley's cabin and looked the premises over carefully, but the trail of the savages was not discovered. From some cause it was supposed that the Indians had gone down the New River. Thomas Wiley and a dozen settlers followed the Indian road down that stream hoping to come up with the Indians, but no tidings of Mrs. Wiley came from that pursuit.

In the afternoon of the day after the attack upon Wiley's house, Matthias Harman and the hunters returned to the settlement. The swollen streams and the heavy loads carried by their horses had delayed them twenty-four hours; but for these impediments they would have arrived in time to have prevented the murders committed by the Indians. The confidence of the hunters, that they would arrive in the settlement before the Indians, had caused them to neglect to send a runner to warn the settlers of their danger.

Immediately upon his return Matthias Harman went to the house of Wiley where he found many of the settlers. He made a minute examination of the country around the house. In the hills north of the house he found evidence that the Indians had passed that way. He followed this discovery some miles, and upon his return to the cabin he assured the settlers that Mrs. Wiley was alive and a prisoner, that she was carrying her child which had been spared, and that the Indians would follow the Tug River war-trail and try to cross the Ohio to their towns. It was his opinion that the Cherokee chief was the leader of the band, the number of which he had determined from the trail. He was confident that he could overtake the Indians and recover the prisoners. His purpose to do this was determined upon at once.

Harman was a bold and active man. He believed this raid was made more by accident than design and that it indicated no uprising of the Indians nor any purpose to harass the settlements. It was not regarded as of sufficient importance to delay the settlement to be made at the mouth of John's Creek. He assembled those interested in that enterprise and gave them instructions as to what they should carry with them, when to set out, what to do in case they should arrive before he could return there from pursuit of the Indians, and the most favorable route for them to take on the journey. There were about twenty-five men in this colony, but the exact number is not known, and their names are lost to us. We know that among them were Matthias Harman, Absalom Lusk, Henry Skaggs, James Skaggs his brother, Robert Hawes, Daniel Harman, Adam Harman, and Henry Harman. It is believed that a man named Horn, also one named Leek, were with the colonists. Harman selected ten of the most experienced Indian fighters to go with him in pursuit of the party having Mrs. Wiley and her child in captivity. Thomas Wiley was not a member of the colony and did not go out with them.<sup>1</sup>

Matthias Harman and his company of hunters set out early in the day in pursuit of the Indians. So confident that he was right did Harman feel that he did not at first attempt to follow the trail made by the savages, but went directly to the head waters of the Bluestone River and crossed the Great Flat Top Mountain. He found the trail of the Indians in the hills about the head of the Tug River; it followed the old Indian warpath as Harman had conjectured. This ancient way was so well defined that it required no effort to discover and follow it, which made their pursuit rapid and certain. Each camp of the Indians was discovered, and it was plain that the Indians were being gained upon every day.

If the Indians had not left the old war-path and turned down the small streams to Tug River they would have been overhauled by Harman and his party in a few hours. It was difficult traveling on horseback along the small streams, for they were frequently choked with thickets. This caused delay when rapid movement was so necessary. Harman saw that Indians were not far in advance and were aware of the presence of the party in pursuit. Just before night they found the body of Mrs. Wiley's child which they buried in a shallow grave hastily dug with tomahawks and scalping knives. A few minutes after the Indians had plunged into the water and crossed Tug River, Harman and his men stood upon the spot they had left. It was impossible to get the horses across the river in its flooded condition on such a night. The party camped on the bank of the river and spent the night in building rafts upon which to carry over the baggage in the morning.

Harman effected a safe crossing early the following day. It was past noon when he again found the Indian trail, which wound through a country so rough and hilly that it was well nigh impossible to follow it with horses. When he arrived at the point where the Indians had crossed the Louisa River it was the unanimous opinion of all the hunters that it was useless to follow the trail further. They all believed that it would be impossible to come up with the Indians. Mrs. Wiley was relieved of the burden of her child, and the Indians being apprised of the pursuit would hold their course to the rough, bushgrown, stony ridges where horses could scarcely go. So, with regret, the pursuit was abandoned at the Louisa River.

From the point where the Indian trail was abandoned Harman and his company ascended the Louisa River to the mouth of John's Creek

<sup>1</sup> Mr. Wiley had not returned from the pursuit made down the New River, so his son always said. He also said that his father was unnerved by the destruction of his family, and that he was at the time unfit for the war-path.

and went into camp in the old hunting lodge built there by Harman more than thirty years before. There the river runs against the bluff on its west side, leaving a broad bottom on the east side of the river below the mouth of John's Creek. It was an ideal place for a pioneer settlement. The great war-path up the river ran on the west side of the stream at that point. There the stream is deep. John's Creek is a stream of considerable size, having its sources in the mountain ranges about the head waters of the Tug and Louisa rivers. Should the larger streams be beset with Indians the valley of the smaller one would afford a safe way to the settlements in Virginia.

The bottom in which it was designed to build the fort of the settlement was then covered with trees ranging in size from the shrub to the giant sycamore with its girth of forty feet. These trees were of several varieties—birch, beech, maple, linn, oak, poplar, and others. It was covered with a thick growth of cane which furnished winter pastures for buffalo, elk, and deer, and which was an indication of deep and lasting fertility.

The colonists expected directly from Virginia did not arrive for some days after the coming of Harman and his company. Their horses were heavily packed, and their progress through forests and over streams was necessarily slow. High water hindered much.

The site selected for the fort was almost half a mile below the mouth of John's Creek and about 100 yards back from the east bank of the Louisa River. The fort was built on the plan common to the forts in frontier settlements. It was about twenty feet square and two stories in height. The upper story projected beyond the walls of the lower story about two feet on every side, and this extra space was floored with heavy timbers in which loop-holes were cut through which to fire down upon besieging Indians should they ever come to such close quarters. The walls of both stories were provided with openings through which to fire upon a foe. The door or gate was made of split oak timbers six inches in thickness. It was hung upon strong wooden hinges made by the hunters, opened inward and was secured by an immense beam of oak. The roof sloped up from each of the four sides of the fort to a point in the center, and was made of thick slabs of white oak timber "pinned" to the log "ribs" or rafters with long wooden pins or pegs driven into holes bored with an auger. A small stream flowed from the hills back of the bottom and passed close by the fort, and upon it the settlers relied for water. The timber about the fort was cut off close to the ground and burned back the full space of rifle range. This was done to deprive the Indians of cover should they ever besiege the fort.

This rude and strong building thus erected by the rough backwoodsmen of the Virginia frontier, all of whom were as brave and hardy as any who ever founded a frontier post, was the famous blockhouse. The settlement commenced by its erection was called

#### HARMAN'S STATION

It was the first settlement made in Eastern Kentucky. There was at that time no settlement in either of the present counties of Pike, Floyd, Lawrence, Boyd, Greenup, Carter, Elliott, Morgan, Wolfe, Magoffin, Breathitt, Knott, Letcher, or Martin. There were no settlements on the Tug River and none in any of the present counties of West Virginia touching that stream.

This fort was built by Matthias Harman and backwoodsmen whom he had induced to cast their lots with him in the wilderness, in the winter of 1787-88.<sup>2</sup>

<sup>2</sup>The dates fixed by Mr. Wiley are here followed. This is the date fixed by him. Reference is again made to the map to be found in Imlay's *American*



## VIII

## THE ESCAPE AND RESCUE

After passing through the horrors of such an ordeal as that to which she had been subjected Mrs. Wiley found it impossible to sleep. She had nerved herself to face death with resignation, and her nerves were unstrung with the relaxation following her unexpected deliverance from the stake. And she was troubled by the change of masters. She feared the Cherokee. He was in every way different from the Shawnee chief. He was quick and energetic of action, cruel, savage, and treacherous by nature, always restless and anxious to be moving. While she believed that she owed her life to his interference in her behalf she was not sure the future would prove that she would have much to be thankful for in that matter. Her chance of escape seemed cut off and that troubled her; she regretted that she had not made the effort to escape months before. While pondering over these things she fell into a broken and troubled sleep. She found this a most strange sleep for she seemed more awake than ever. She was never sure she was asleep at all, but she always insisted that she saw this vision or had this remarkable dream: The young man so lately tortured by the Indians came to her bearing in his hand a lamp made from the bleached skull of a sheep, the brain cavity of which was filled with buffalo tallow in which was a wick that was burning brightly. The young man did not speak, but by signs indicated that she must follow him. Then her bonds fell away. The young man threaded the deep defiles of the forest with the flame of his lamp flutter-

*Topography.* The author says: "In order to communicate a distinct idea of the present complexion of the State of Kentucky, I have drawn a map from the best authorities, from which you will discern that Kentucky is already divided into nine counties; and villages are springing up in every part within its limits, while roads have been opened to shorten the distance to Virginia." Harman's Station is correctly located on this map. The site of Vancouver's attempted settlement is marked "Vancouver's." Relative to that attempt an affidavit was made by John Hanks in 1838 when Hanks was in his seventy-fifth year. It was published by Dr. Ely in his work on the Big Sandy Valley:

"I was employed by Charles Vancouver in the month of February, 1789, along with several other men, to go to the forks of Big Sandy River, for the purpose of settling, clearing and improving the Vancouver tract, situated on the point formed by the junction of the Tug and Levisa Forks, and near where the town of Louisa now stands. In March, 1789, shortly after Vancouver and his men settled on said point, the Indians stole all their horses but one, which they killed. We all, about ten in number, except three or four of Vancouver's men, remained there during the year, and left the next March, except three or four men to hold possession. But they were driven off in April, 1790, by the Indians. Vancouver went East in May, 1789, for a stock of goods, and returned in the fall of the same year. We had to go to the mouth of the Kanawha River, a distance of eighty-seven miles, for corn, and no one was settled near us, probably the nearest was a fort about thirty or forty miles away, and this was built maybe early in 1790. The fort we built consisted of three cabins and some pens made of logs, like corn cribs, and reaching from one cabin to the other.

"We raised some vegetables and deadened several acres of ground, say about eighteen, on the point, but the horses being stolen, we were unable to raise a crop.

"(Signed) JOHN HANKS."

The nearest fort, "about thirty or forty miles away," which was "built maybe early in 1790," was the fort erected in rebuilding the blockhouse put up by Matthias Harman and his associates in the winter of 1787-88, and which had been destroyed by the Indians, who burned it. The settlers who had been obliged to return to Virginia at the time of its destruction, returned with reinforcements in the winter of 1789-90 and built another fort in the Blockhouse Bottom. Although often attacked, they never again abandoned the settlement.

But as to all these dates see note based on statement of Mrs. Wiley and set out by Summers. That would make the date of the erection of the Blockhouse by Matthias Harman the fall of 1789. The rebuilding of this Blockhouse would, by that date, be moved up to 1791, the year in which the Auxier and other families arrived to make a settlement.

ing in the wind. He did not look back to see if she were following him. Arriving at a steep mountain of great height he rapidly ascended it. When he reached the top he blew strongly upon his lamp-flame which immediately leaped to a height sufficient to reveal the whole country below. She looked where he pointed across a river. There stood a fort erected by white men. As she was anxiously appealing to him for information as to who dwelt there the light paled, flickered a moment, then was gone. She was left alone in the darkness, and was immediately roused from her slumber. This dream or manifestation or phenomena, by whatever name, was repeated twice, the last time being just as the Indians began to stir in the camp.<sup>1</sup>

Mrs. Wiley was unbound by the Cherokee, and informed by him that it was his purpose to set out on the journey to his town in a day or two, but that he was going that morning to the great buffalo lick on Big Mudlick Creek to kill game. It was not long until the whole band of Indians left the camp. Mrs. Wiley was again bound and left in the camp in the rockhouse. She soon fell into a deep sleep from which she was wakened by the roaring of a heavy storm of wind and rain. The instant that she awoke the peculiar dream came to her mind with great force. It seemed to be a call to her to make an effort to escape; at least, she so regarded it, and she decided to act upon it. She saw the wind was blowing the rain into one corner of the rockhouse. She rolled herself over and over until she lay in this rain blown in by the wind. It was but a short time until the rawhide thongs with which she was bound were soaked and became slippery and easily removed. When free she bound her dog to a large stone to prevent his following her, seized a tomahawk and a scalping knife, and descended quickly to the bed of Little Mudlick Creek. She waded that stream to its junction with the large stream, which she waded to Big Paint Creek. There she remembered that she had no well-defined plan of action, but after a little time spent in reflection she remembered that she had seen a river in her dream, and concluded that she might reach this river by wading continuously down stream. She acted upon that conclusion. She found it difficult to wade in Big Paint Creek. It is a deep, swift stream, and the heavy rain quickly raised the small streams flowing into it, and they carried in muddy water, which soon made it impossible for her to determine the depth. She was often carried off her footing, and more than once was in danger of drowning.

Big Paint Creek makes a big bend which she was compelled to follow around, and it was growing dusk when she was at the mouth of the Rockhouse branch. At the mouth of Jennie's Creek she crossed Paint Creek. She waded up Jennie's Creek, which the heavy rain had put out of its banks. Wind and rain continued all night. When she reached the forks of Jennie's Creek she was almost exhausted, and for a time there she was much puzzled as to which branch of the stream she should follow. Her choice of branches was right; she turned to the left and followed the Lick Fork. In half a mile she was again compelled to choose between two branches of the stream, for there the Middle Fork falls into the Lick Fork. She again turned to the left, and again her choice was right. She followed the Lick Fork to the mouth of a small branch coming in from

<sup>1</sup> To those familiar with psychology and psychical phenomena remarkable dreams or manifestations to one under stress of nervous excitement or great strain or disturbance of the mental faculties are not strange; they are not impossible, improbable, nor even unusual. Volumes could be filled with authentic instances of such dreams or manifestations. Mrs. Wiley always believed she was assisted by this dream to make her escape. She believed after this dream that there were white people in the country about her. The route by which the settlement could be reached was unknown to her and had not been seen in her dream. The young man led her straight through the woods to a high mountain which does not in fact exist. But she saw it in her dream, and from the top of it she saw the fort in a settlement of her own people.

the east. Here she left the larger stream and followed the little one to its head, where she crossed through a gap to the stream now known as the Bear Branch, which she descended to its junction with Little Paint Creek. Continuing down the latter stream she stood upon the bank of the Louisa River as the dull dawn of a cloudy morning appeared in the east. It is unnecessary to dwell here upon the exhausted condition of Mrs. Wiley. She had waded against swift currents of overflowed streams for more than twelve hours, and had been wading for as much as eighteen hours. She dragged herself up the bank of the river and soon came opposite the blockhouse. She saw women and children there, but no man was in sight. She called out to make her presence known and for assistance to cross the river. So unexpected a cry alarmed the people at the fort, and they went in hurriedly and closed the gate.<sup>2</sup>

Here was a wholly unlooked-for discouragement. Mrs. Wiley was impatient and anxious, fully expecting to be followed by the savages. Seeing now the blockhouse, she reasoned that the Indians knew of its existence and would seek her in that direction. She was fearful that they might appear at any minute. She continued to call to the people in the fort, calling out her name and saying that she had escaped from the Indians, whom she expected to follow her. After what appeared to her to be a long time an old man came out of the fort. She recognized him at once as Henry Skaggs, an old-time friend of her father. It did not require much time for her to convince him that she was Jennie Wiley, and that she stood in great danger of being recaptured by the Indians. Skaggs knew the Cherokee chief well. He saw that no time was to be lost in getting her across the river. He told Mrs. Wiley that the men of the fort, except himself, had gone away early in the morning with the canoes. He said they would not return for some time, and that he would be compelled to construct a raft upon which to bring her over. He advised her to endeavor to swim across should the Indians appear, as it was his opinion that she would suffer death if recaptured.

A dead mulberry tree stood on the bank of the river and Skaggs and the women went vigorously to work to fell it. It was tall and had but few branches. When it fell it very fortunately broke into three pieces of about equal length. These logs were hastily rolled into the river and bound together with long grapevines pulled down from the forest trees where they grew wild. Placing two rifles upon the raft, Skaggs pushed out into the river, which was full to overflow and which was carrying much drift. After being carried far down the stream, Skaggs made a landing. Mrs. Wiley stepped upon the rude raft and it was again pushed into the stream. When in mid-stream the raft was caught by drift and nearly pulled to pieces, but by hard work both raft and drift were brought to some overhanging trees standing on the east bank. The branches of these trees were seized and the raft brought to shore about half a mile below the blockhouse.

When Mrs. Wiley and Skaggs had gone up the river to the fort and were about to enter the gate, Indian yells broke from the thickets over the Louisa. A moment later a large band of Indians came into view, among them the Cherokee chief, and with them was Mrs. Wiley's dog. The Cherokee chief saw Mrs. Wiley at the entrance to the fort. He called out to her to know why she had left him after he had saved her life and paid his silver for her. He insisted that she had not treated him as she should have done, and closed his appeal with the words, "Honor, Jennie, honor!" She did not reply to him. Skaggs fired his

<sup>2</sup> Mrs. Wiley always insisted that she had no knowledge of the existence of the blockhouse when she left the rockhouse at the falls of Little Mudlick Creek.

Jennie's Creek was given its name in her honor and because she made her escape in wading several miles against its rapid current. Considered from any point, the achievements of Mrs. Wiley that night were most remarkable.

rifle in the direction of the savages, though the distance was too great for the range of small arms. At the discharge of the rifle the Cherokee turned about and with a defiant gesture<sup>3</sup> uttered a fearful whoop, in which he was joined by his warriors. Seeing that Mrs. Wiley had escaped and that he could not recapture her, the Cherokee chief disappeared in the woods, followed by his savage companions and Mrs. Wiley's dog.

The report of the gun discharged by Henry Skaggs brought the men back to the blockhouse. Later in the day, after some preparation, the men crossed the river and followed the trail of the Indians almost to Little Mudlick Creek. From Mrs. Wiley's account of the number of Indians at the camp the hunters believed they had a force too small to attack them, so they returned, after having gone to the mouth of Jennie's Creek. It was not improbable that the Indians would attack the fort soon, and upon the return of the hunters things were put in a posture of defense. No attack was made upon the blockhouse, but the Indians prowled about it for several days, and they were in the vicinity for some weeks.

Mrs. Wiley found friends in the blockhouse. Most of the settlers were well known to her in Virginia. She was anxious to return to her husband and relatives. When the winter was well commenced a party commanded by Matthias Harman took her to her Virginia settlements and restored her to her husband and relatives. On the way the party was attacked several times, but succeeded in beating off the savages.<sup>4</sup> It was unusual to find Indians in the woods in the winter, and from this circumstance it was feared that they would prove exceedingly troublesome to the settlers at the blockhouse the next summer.

Mrs. Wiley was in captivity about eleven months. After her return she and her husband lived in Virginia about twelve years; they then moved to Kentucky, settling on the Big Sandy River just above the mouth of Tom's Creek, in what is now Johnson County, and some fifteen miles from the blockhouse and ten or twelve miles from the old Indian town at the mouth of Little Mudlick Creek. The Presbyterians had no church organization in that part of Kentucky, and she and her husband were members of the Baptist Church. Thomas Wiley died where he first settled in Kentucky about the year 1810, and Mrs. Wiley remained a widow twenty-one years, dying of paralysis in the year 1831. They left a large family, and their descendants live now in the Big Sandy Valley and are numerous and respectable.

The Indians attacked the blockhouse several times during the summer of 1788.<sup>5</sup> The settlers surrounded it with a stockade. The Indians maintained something of a siege which lasted for about three weeks. This was in September. On account of their presence all the time no crops could be raised that summer. Several of them were killed by the settlers. Some of the settlers became discouraged and, as soon as cold weather enabled them to do so, they returned to the Virginia settlements. Thus weakened, it was not believed that the fort could be defended another year. The settlers all returned to Virginia during the winter of 1788-89. The Indians immediately destroyed the blockhouse. It was burned, together with some cabins which the settlers had erected in the vicinity.

<sup>3</sup> Patted his buttocks.

<sup>4</sup> The attacks made by the Indians upon the party which escorted Mrs. Wiley back to Virginia and the devices practiced to evade the savages would in themselves make an interesting story. It often seemed as though they were lost, and Mrs. Wiley had to bear a rifle and fight with the others, which she did effectively and with a good will.

<sup>5</sup> Read carefully the notes on the subject of these dates set out on previous pages. These dates may all be one year too early.

In the winter of 1789-90 some of these settlers returned to the blockhouse site. They were accompanied by other settlers, a majority of whom were from Lee and Scott counties, Virginia. They erected a second blockhouse where the first one had stood, but it was not so substantially built as was the first one. In the summer of 1791 many new settlers came. The settlement was troubled much by the Indians for several years, but it was never again broken up. It is believed that Matthias Harman did not again settle permanently in the Blockhouse Bottom, though he was there for some years. He died in Tazewell County, Virginia. Daniel Harman became a permanent settler in the vicinity of the first settlement, and his descendants in the Big Sandy Valley are many. They are industrious and are good citizens. Henry Skaggs and James Skaggs both returned to Kentucky. They lived for some years in the vicinity of the Blockhouse Bottom, but when times were settled they went to live on the head waters of Big Blaine Creek. Their descendants live now on Big Blaine Creek, the Little Sandy River and the Licking River. The Leeks came with the second settlement, and their descendants are yet to be found on the Louisa River. The same can be said of the Horns.

## CHAPTER XI

### TRANSYLVANIA AND THE FIRST SETTLEMENTS

The regions of Virginia beyond the mountains and south of the Ohio River were by no means a *terra incognita* during the latter part of the Seventeenth and the Eighteenth centuries when the European nations were seeking to explore the innermost parts of the North American continent and lay hold on it. The first European visitors of this territory later to be called Kentucky were French traders, the agile men of the forest who learned early to understand the Indians and who used them well. Arnold Viele probably visited this region as early as 1693 and resided there a while. The Big Bone Lick was found and described as early as 1729, and soon the whole southern shore was familiar to the traders and explorers, who traversed the waters of the Ohio.<sup>1</sup> By the middle of the Eighteenth century English traders and explorers were making their way into the country south of the Ohio; some sent to spy out lands for land companies, as Walker and Gist, already noted, others carried there by the spirit of adventure and gain, as John Findlay and Henry Scaggs. The earlier visitors had merely skirted the shores and noted certain landmarks and settlement sites; but from the middle of the eighteenth century on the new-comers began to penetrate the regions in every direction. In 1764 John Ross and a party crossed the country from Mobile to the Ohio, while previously explorers had come in from the East and the North.<sup>2</sup> Plentiful game not only attracted the isolated hunters, but led to exploitation by organized companies. The firm of Baynton, Wharton, and Morgan regularly sent boats up the Kentucky River to get furs and buffalo meat. Organized buffalo hunts were also carried out in the Cumberland River regions.<sup>3</sup> Hunting parties of varying sizes entered the Kentucky regions from the eastward following 1769, when Uriah Stone, Gasper Mansker, John Rains, and more than a dozen others passed through Cumberland Gap. The following year the so-called "Long Hunters," about forty in number, carried out their famous hunting expedition into this region and into the lower Cumberland country.

But despite the fact that the Kentucky regions had been visited by numerous people and described by some, still one pioneer has come to embody in the popular imagination the greater part of the romance and daring of the times. This was Daniel Boone. Boone was pre-eminently a man of the forest, delighting in its solitudes and well understanding its denizens, both man and beast. He was a product of the frontier and forever remained such, always moving westward to keep on the edge of the wilderness. While living in the Yadkin River valley in North Carolina, he made many long trips into the western mountains, penetrating further and further into the fastnesses. The lure of the wild led him

<sup>1</sup> C. A. Hanna, *The Wilderness Trail* (New York, 1912), II, 237-256; R. G. Thwaites, *Daniel Boone* (New York, 1902), 85-96; Collins, *History of Kentucky*, I, 14, 15, 509, 510.

<sup>2</sup> C. W. Alvord and C. E. Carter, *The Critical Period 1763-1765* (Springfield, Ill., 1915), xlviii. Also see Hanna, *Wilderness Trail*, II, 215, 216.

<sup>3</sup> C. W. Alvord, *The Mississippi Valley in British Politics* (Cleveland, 1917), II, 172; C. W. Alvord, *The Illinois Country 1673-1818* (Springfield, Ill., 1920), 282.

also far to the south, even into Florida, where he visited St. Augustine and Pensacola about 1766. But the wanderlust that had laid strongest hold on Boone led constantly to the westward, to the land beyond the Alleghanies of which he had heard the most glowing descriptions. In 1767 he decided to cross the mountains and to see for himself the country of cane brakes where wild game abounded. Gathering a few companions he set out across the Blue Ridge and Alleghanies, and finally reached the valley of the Big Sandy. He spent the winter in the mountains of what is now Eastern Kentucky, and being deterred by the rugged nature of the country from going further to the westward returned in the spring to his home in the Yadkin River valley.

But reports of the Kentucky country were too persistent and too irresistible in their attractiveness for Boone to remain contented in his North Carolina home. In 1769, in company with John Findlay and four others, Boone set out once more bent on finding the land of promise. They crossed the successive ridges of the Appalachian system and guided by John Findlay passed through the Cumberland Gap, "and from the top of an eminence saw with pleasure the beautiful level of Kentucky." They found game plentiful, and revelling in the beauty of the land and its abundance they "hunted with great success." Prowling bands of Indians soon disputed their presence and gave them additional excitement. Boone with one of his companions was taken captive and the party broke up. After various experiences they made their escape, but continued to hunt and explore the regions. Aid in the shape of more ammunition was brought to these wanderers in the wilderness by Boone's brother, Squire, and a companion, and Kentucky still held them with its delights. The next spring one of the party, Stewart, was killed by the Indians, and another returned to the settlements, and now the Boone brothers alone continued their hunting and trapping expeditions. Finally Squire Boone returned to North Carolina for more ammunition and Daniel alone remained. He now continued his explorations far to the north and touched the Ohio River. Returning to the old camp, he was joined by Squire, who had arrived with more ammunition, and the two now plunged into the wilderness again. When ammunition ran low again, Squire a second time left for the East to replenish the supply, and on his return the Boones journeyed far to the West, exploring the Green and Cumberland River regions. Here they unexpectedly ran upon a party of Long Hunters and uniting with them continued to trap and hunt. Finally in the spring of 1771 the Boones turned homeward with their horses laden with furs. After suffering the loss of their accumulations through an Indian attack, they finally reached North Carolina. During this period of almost two years in Kentucky, Boone had learned much about the country and was filled with a desire to return and settle there.

Walker and Gist had written journals on their visits to the Kentucky country two decades earlier, but it remained for Boone to popularize this western paradise. Other factors were also working toward the appropriation and settlement of this region. Not only had isolated hunters and hunting parties been entering it for many years past, but about this time the more substantial agent of acquisition, the surveyor, was making his appearance. Many were at work laying off lands promised to the soldiers of the French and Indian war, while others were taking up lands for speculation or for future settlement apart from service in the war. The military surveys were generally in sizes varying from 50 to 5,000 acres. By 1773 surveying parties were to be found in many parts of the country, locating tracts of land and laying off town sites. The McAfee brothers floated down the Ohio and then ascended the Kentucky to the present site of Frankfort and made surveys; while an-

other party under Thomas Bullitt continued down the Ohio to the Falls and surveyed lands for Dr. John Connolly, and laid out a town-site where Louisville now stands. The next year John Floyd and a party arrived in this vicinity and were soon busy surveying lands for Patrick Henry and other prominent Virginians. In this same year surveys were made in the vicinity of the present City of Lexington. One of the most pretentious of these groups entering the land was James Harrod and forty associates, who laid out a town in June, 1774. The heaven was working; this region was fast being laid hold of.<sup>4</sup>

In 1773 Daniel Boone, without extensive preparations, set out with his family and a few other families who joined him on the way intent upon settling permanently in the Kentucky country; but the party was so fiercely set upon by a band of Shawnees that it was forced to desist further efforts to enter Kentucky at that time. This attack was a stern warning that the Indians were becoming increasingly impatient at the various groups of pioneers threading their way through the Indian country and settling down upon it here and there. War was soon precipitated by a number of atrocities on both sides. Boone and Michael Stoner were dispatched in July, 1774, to the trans-Alleghany region to warn the surveying parties and others to return to the Eastern settlements. A pioneer army was soon on the march and came upon the main Indian forces at Point Pleasant near the mouth of the Great Kanawha River. Here was fought a fierce engagement which for a time, it seemed, would result in favor of the Indians. But largely due to a flanking movement carried out by Isaac Shelby, a young lieutenant, the Shawnees were defeated and forced to make a treaty relinquishing all claim to territory south of the Ohio River. This conflict, known as Dunmore's War, settled the question of the occupation of Kentucky. The gates were now open for an in-pouring of hardy pioneers.

There now appeared prominently a new factor in the appropriation and settlement of the trans-Alleghany region, but which was, in fact, an expression of an old and widespread movement. This was a land company known as the Transylvania Company, reorganized in January, 1775, out of the Louisa Company, which had itself previously grown out of the original "Richard Henderson and Company." Speculation and money-making was at the bottom of most of the Western land projects. The Ohio and Loyal land companies have been previously mentioned. Shortly after these companies had been organized Samuel Hazard, a Philadelphia merchant, conceived the project of a colony in the West including a vast area of land, and in part embracing most of the Kentucky region. This project soon died, but others were in the making. The Proclamation Line of 1763 seemed for a time to be an impassable barrier against further land appropriation beyond the Alleghanies; but it was soon evident that such an arbitrary line could not withstand the expansive force of the land-hungry pioneer or the cupidity of land companies; and, indeed, there was much reason to believe that it was intended as only a temporary makeshift. At any rate soon after the end of the French and Indian war, the Vandalia project, which included the Kentucky region north of the Kentucky River, was being pushed by men of prominence and with good prospects of success. Other projects such as the Indiana Company, which did not concern the regions

<sup>4</sup>For these various early surveys see C. M. Ambler, *Life and Diary of John Floyd* (Richmond, 1918), 13-15; Collins, *History of Kentucky*, I, 510, 511; II, 549-551; passim; John Mason Brown, *An Address Delivered on the Occasion of the Centennial Commemoration of the Town of Frankfort, Kentucky, 6th October, 1886* (pamphlet, 38 pp.); J. D. Monette, *History of the Discovery of the Valley of the Mississippi* (New York, 1848), I, 360, 361; *Yearbook. The Kentucky Society of Colonial Wars 1917*; Reuben T. Durrett, *The Centenary of Kentucky* (Filson Club Publication, Number 7), 30-33.



south of the Ohio, were fermenting. These schemes ranged from ambitious dreams of new colonies simply to great private land companies. Of the latter there were enough. The man who would today be a captain of industry was then likely scheming to gain control of great tracts of Western lands. Among these was Patrick Henry, who, in 1767, was interested in forming a company to secure control of much of the trans-Alleghany region of Virginia. The year following the Treaty of Fort Stanwix, a large number of petitioners sought of Governor Botetourt a tract of land of 60,000 acres laying east of the Ohio "to begin at the Falls of the Cumberland River." The House of Burgesses took up the question of granting Western lands at this time and assumed a favorable attitude toward it.<sup>5</sup>

The Transylvania Company had its inception directly following the Treaty of 1763, with Richard Henderson as the moving spirit. Known at this time as Richard Henderson & Company, it pursued no definite program, but merely kept a watchful eye for opportunities. It undoubtedly sought the aid of wandering hunters and trappers in spying out good lands, and it is possible that Daniel Boone was engaged at this early time to report on the lands he saw on his numerous trips into the western mountains. There is more probability that he had an understanding with Henderson, when he made his extensive hunting trip into the Kentucky country in 1769; but there is no absolute proof of his connection with the Henderson projects until 1773. If he did have an agreement with Henderson before this time, it certainly was of a very loose and perfunctory nature, for the character of Boone's trips into the mountains and beyond shows that he was impelled by his own uncontrollable love of the forest and the chase and in nowise directed by any other force.<sup>6</sup> By 1774, with the reorganization of Richard Henderson & Company into the Louisa Company, new life was inspired and a definite program adopted. The change in name was significant: the company, due to reports that Boone had brought back from Kentucky regions, was now definitely bent on acquiring a portion of the trans-Alleghany country. It came prominently before the people when it issued its "Proposals" on December 25, 1774, intimating that a new colony was to be set up and giving the scale of land prices. The name was changed to the Transylvania Company in January, 1775, and efforts were immediately undertaken to secure control of the country by a treaty with the Cherokees, who claimed it. Such a treaty was negotiated at the Sycamore Shoals and signed on March 17th, by which the Transylvania Company was granted all of Kentucky between the Cumberland and Kentucky rivers and much of Tennessee.<sup>7</sup>

<sup>5</sup> James R. Robertson, *Petitions of the Early Inhabitants of Kentucky* (Filson Club Publication, Number 27), 35, 36; Alvord, *Mississippi Valley in British Politics*, II, 111; G. H. Alden, *New Governments West of the Alleghanies before 1780* (Bulletin of the University of Wisconsin, Historical Series, Vol. 2, No. 1), 7-11; 16-35; 36-48.

<sup>6</sup> See Archibald Henderson, "The Creative Forces in Westward Expansion: Henderson and Boone" in *American Historical Review*, XX, 86-107; Archibald Henderson, *The Conquest of the Old Southwest* (New York, 1920), chapters VII-X. Although there is no absolute evidence that Boone had any connection with Judge Henderson before 1773, surmises that he did arose in the early part of the Nineteenth Century. In James Hall, *Sketches of History, Life, and Manners of the West* (Philadelphia, 1835), I, 242, 243, appears this statement: "But there is some reason to believe that even in his first visit to Kentucky, Boone came as the agent of some wealthy individuals in North Carolina, who were desirous to speculate in these lands, and who selected him to make the first reconnaissance of the country, not only because he was an intrepid hunter, but in consideration of his judgment and probity. It is certain that he was employed immediately after his return, and that he continued for many years to be engaged in the transaction of business for others, to the entire neglect of his personal aggrandizement."

<sup>7</sup> Archibald Henderson, "Richard Henderson and the Occupation of Kentucky, 1775" in *Mississippi Valley Historical Review*, I, No. 3 (Dec. 1914), 341-363.

Even before the treaty with the Cherokees was concluded, definite plans for occupying the country had been formulated and Boone had been commissioned to blaze a trail across the mountains. He immediately set out with thirty ax-men and directly after the treaty was followed by Henderson, himself, and a party with pack horses. Boone's pioneering party after much trouble marked the trail to the Kentucky River and began the erection of a fort. But in the meantime Boone dispatched a message to Henderson telling of Indian attacks and the death of a few members of the party, and calling for aid as soon as possible. As Henderson proceeded he had constant evidence of the unsettled conditions beyond the mountains. Numerous people were met returning to the East, who told of Indian dangers. Some joined Henderson's party, while others continued on to the settlements.<sup>8</sup> A fort was erected on the south side of the Kentucky River in what is now Madison County, and called Boonesborough, and the ambitious scheme of a Fourteenth Colony was entered upon in earnest.

But the troubles from almost every quarter began to rise immediately. As Transylvania lay in the western stretches of both North Carolina and Virginia the opposition of these two colonies was aroused. Even before Henderson had made his treaty with the Cherokees, Governor Martin of North Carolina issued his proclamation against Henderson's scheme, in which he denominated the company "an infamous Company of land Pyrates," declared that "a settlement may be formed that will become an asylum to the most abandoned Fugitives from the several colonies," forbade Henderson to carry his plans further, and warned all people to stay out of the project.<sup>9</sup> On March 21, before Boonesborough had been founded, Lord Dunmore, governor of Virginia, recited in a proclamation the manner in which lands could be taken up and declared that Henderson had not complied with the laws. On the contrary, he "and other disorderly Persons, his Associates, under Pretence of a Purchase made from the *Indians*" had laid "Claim to the Lands of the Crown within the Limits of this Colony." Dunmore then called upon "all Justices of the Peace, Sheriffs, and other Officers, civil and military, to use their utmost Endeavours to prevent the unwarrantable Designs of the said *Henderson* and his Abettors."<sup>10</sup>

But Transylvania was far from the reach of the governors of North Carolina and Virginia and Henderson needed to give little attention to this rather distant problem in the face of new troubles pressing for an immediate solution. Land was now the lodestone attracting settlers to the West, while rivalry for its acquisitions and the certainty of possession were points around which all activities turned. In fact an intimation of the scramble for good lands was seen at the very beginning of Boonesborough, when Boone laid off a site for a fort and marked off the best lands for the advance party with him. Henderson moved the location in order that land drawings might be carried out more advantageously for his party. Some refused to participate in the allotments and left Boonesborough to take up lands as they desired. Henderson

<sup>8</sup> William Calk, who joined Henderson's party, wrote in his journal on April 8, "We all pack up & Started Crost Cumberland gap about one o'clock this Day we Met a great many peopel turned Back for fear of the indians but our Company goes on Still with good courage. \* \* \*" "Journal of William Calk, Kentucky Pioneer" in *Mississippi Valley Historical Review*, VII, No. 4, (March, 1921), 367. For part of Henderson's Journal and Boone's letter see Collins, *History of Kentucky*, II, 498-501.

<sup>9</sup> George W. Ranck, *Boonesborough* (Filson Club Publication, Number 16), 147-149; *North Carolina Colonial Records*, X, 273, 323. This proclamation was issued February 19, 1775.

<sup>10</sup> Ranck, *Boonesborough*, 181, 182; Alden, *New Governments West of the Alleghanies*, 54. A photostatic copy of this proclamation is reproduced in Henderson, *Conquest of the Old Southwest*, opposite page 240.

made it plain at this time that he would tolerate no land squatting. The land question assumed a wider significance and greater importance when troubles began brewing among the other settlers who had come out previous to Henderson's party. James Harrod had settled Harrodsburg during the preceding year, but had been driven in when Dunmore's war came. He was now back at Harrodsburg with about fifty men and had a rival center of influence set going. Harrod soon had misunderstandings with Slaughter, who was the leader of another party, and, to settle the whole policy of law and order, the Transylvania government was soon set up.<sup>11</sup>

May 23d was designated as the time for the delegates from the four principal areas of settlement to come together as a law-making body. According to Henderson, "Members or delegates [were to be elected] from every place by free choice of Individuals, they first having intering into writing solemnly binding themselves to obey and carry into execution such Laws as representatives should from time to time make, concurred with by a Majority of the Proprietors present in the Country."<sup>12</sup> Representatives were elected from the settlement as follows: From Boonesborough, six; and four each from Harrodsburg, Boiling Springs, and St. Asaph. At the appointed time the delegates met at Boonesborough, where was now established the first pioneer government of Anglo-Saxons beyond the Alleghanies, short-lived though it was. Judge Henderson, duly impressed by the occasion, delivered an address to the convention in keeping with the time-honored custom of a sovereign. He had no uncertain visions of the future and he left it not for others to tell of the mighty things that were about to transpire in the wilderness. He said: "You, perhaps, are fixing the palladium, or placing the first corner-stone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity, and can only become great and glorious in proportion to the excellence of its foundation. These considerations, gentlemen, will, no doubt, animate and inspire you with sentiments worthy the grandeur of the subject." He felt the latent dangers of the situation where the groups of settlers were already beginning to resolve into jarring factions, and in his sound admonitions he betrayed a lurking fear that the stability of the Transylvania venture depended on united action and accord. The people must resolve themselves into a governmental unit and support the structure about to be set up. "For," he said, "it is not to be supposed that a people, anxious and desirous of having laws made—who approve of the method of choosing delegates or representatives to meet in general convention for that purpose—can want the necessary and concomitant virtue to carry them into execution." He took pains to silence any doubts that might be held of the right of the Transylvania proprietors to set up a government. "And now, Mr. Chairman, and gentlemen of the convention, as it is indispensably necessary that laws should be composed for the regulation of our conduct, as we have a right to make such laws without giving offense to Great Britain or any of the American colonies, without disturbing the repose of any society or community under heaven; if it is probable, nay certain, that the laws may derive force and efficacy from our mutual consent, and that consent resulting from our own virtue, interest and convenience, nothing remains but to set about the business immediately and let the event determine the wisdom of the undertaking." He took occasion to deny the "infamous and scurrilous libel" that Transylvania was a refuge for debtors and persons in desperate circumstances. He called for a

<sup>11</sup> See Henderson's Journal in John R. Commona, U. B. Phillips, and others, *Documentary History of American Industrial Society* (Cleveland, 1910), (Plantation and Frontier, 1649-1863), II, 225-228; Collins, *History of Kentucky*, II, 500.

<sup>12</sup> F. J. Turner, "Western State-Making in the Revolutionary Era," in *American Historical Review*, I, 76-81.

framework of government and for measures to protect the people against the Indians.<sup>13</sup>

The convention replied in a tone of complete accord and agreement, and then set to work enacting laws and framing a fundamental compact of government. A wide variety of subjects was discussed and nine laws finally passed; also a compact of government, consisting of eighteen sections, was agreed upon and accepted by the proprietors. Section 12 described in broad outlines the framework: "That the legislative authority, after the strength and maturity of the colony will permit, consist of three branches, to wit: the delegates or representatives chosen by the people; a council not exceeding twelve men, possessed of landed estate, who reside in the colony; and the proprietors." The bills passed were listed as follows:

"1st. An act establishing Courts of Judicature, and regulating the practice therein.

"2d. An act for regulating a militia.

"3d. An act for the punishment of criminals.

"4th. An act to prevent profane swearing and Sabbath breaking.

"5th. An act for writs of attachment.

"6th. An act for ascertaining clerks' and sheriffs' fees.

"7th. An act to preserve the range.

"8th. An act for improving the breed of horses.

"9th. An act for preserving game."<sup>14</sup>

These laws were wise and forward-looking, and bore a most direct relation to the problems at hand. In legislating on such subjects as the last two, the representatives were far ahead of their day. The last subject, that of the preservation of game, was of particular importance and interest to the settlers. The inroads made upon wild game had already become painfully evident. Henderson observed in his Journal that some hunters wounded game and let it escape to die, with benefit to no one. "Others," he said, "of wicked and wanton disposition, would kill three, four, five, or half a dozen buffaloes, and not take half a horse-load from them all. \* \* \* For want of a little obligatory law, or some restraining authority, our game soon, nearly as soon as we get here, if not before, was drove very much. Fifteen or twenty miles was a short distance as our good hunters thought of getting meat, nay, sometimes they were obliged to go thirty, though by chance once or twice a week, a buffalo was killed within five or six miles."<sup>15</sup> In his message to the convention he also called attention to the needless slaughter of game and asked for laws on the subject. It was eminently fitting that Boone should be the one to introduce a bill "for preserving game."

Dissensions and lack of cooperation among the different groups of settlers, apprehensions which Henderson had early entertained, were not silenced by this rather out-of-date proprietary form of government set up for pioneers with a plentiful supply of resource and initiative. Uneasiness still remained among many of them over titles to their lands. The proclamation of the governors of North Carolina and Virginia were anything else but reassuring. People did not care to settle down on land and later be ejected because the power granting their title be declared illegal. The bewildering situation was well set forth by an early writer: "The adventurer to the wilds of Kentucky must have possessed a prophetic spirit, as well as a more than ordinary knowledge, political and legal, to have been able to decide between the proprietary rights of the Cherokees and the six nations, the Transylvania Company and the state

<sup>13</sup> Collins, *History of Kentucky*, II, 502-503.

<sup>14</sup> For the journal of the convention, including Henderson's speech, the compact of government, etc., see Collins, *History of Kentucky*, II, 501-508; Hall, *Sketches of the West*, I, 272, 274, passim; *American Archives*, Series IV, Vol. IV, 543-561.

<sup>15</sup> Commons and Phillips, *Documentary History*, II, 229.

of Virginia, the Congress and the crown of Great Britain; and to select from so great a number, the lord paramount under whom it would be most safe to hold."<sup>16</sup> A land office had been early opened, the land sold at 20s the 100 acres to each person settling and raising a crop of corn before September 1, 1775, with the privilege of buying as much as 500 acres for himself and 250 acres for each tithable person brought along. The price was soon raised to 50s the 100 acres and other limitations imposed.<sup>17</sup> Among these were that 2s quit-rent the 100 acres should be paid the proprietors, to begin in 1780; that no lands should be sold adjoining salt springs, gold, silver, copper, lead or sulphur mines, or when such lands should be unknowingly granted that one-half the products should go to the proprietors; and that not more than 5,000 acres should be granted to any person under any circumstances. The proprietors also preempted 200,000 acres for their own use. Many of the settlers, led by Harrod and Abraham Hite, were soon in open opposition to this land system and to the Transylvania Company in general. To them it seemed as if this vast fertile country was being exploited by a small group of avaricious land grabbers. A well-defined hostility was now fast growing up, destined to bring about the final downfall of the company.

It was soon necessary for the proprietors to take note of the broader situation brought about by the outbreak of the Revolution. Boonesborough had scarcely been set up when the battle of Lexington took place, and all hope of receiving the assent of the king of England for a fourteenth colony vanished. But there was now an authority acting in the place of the king, and, disregarding Virginia's claim to the Transylvania territory, the proprietors decided to go directly to the Continental Congress in Philadelphia for permission to erect themselves into a separate political division. James Hogg was selected by the proprietors to present their memorial and seek admission as a delegate from Transylvania. The memorialists "hope and earnestly request that Transylvania be added to the number of the United Colonies, and that James Hogg, Esq., be received as their delegate and admitted to a seat in the honorable the Continental Congress." He found various ideas entertained as to the project of the proprietors, and not a little sympathy. He talked much with John and Samuel Adams, but was warned by the former that "the taking under our protection of a body of people who have acted in defiance of the king's proclamation, will be looked on as a confirmation of that independent spirit with which we are daily reproached." Silas Dean, of Connecticut, was much interested and informed Hogg that if agreeable arrangements could be made, a number of Connecticut adventurers might be attracted. Hogg wrote the proprietors: "You would be amazed to see how much in earnest all these speculative gentlemen are about the plan to be adopted by the Transylvanians. They entreat, they pray that we make it a free government, and beg that no mercenary or ambitious views in the proprietors may prevent it. Quit-rents, they say, is a mark of vassalage, and hope they shall not be established in Transylvania. They even threaten us with their opposition if we do not act upon liberal principles when we have it so much in our power to make ourselves immortal."<sup>18</sup> Since Transylvania lay in Virginia territory, Hogg was advised to approach the Virginia delegation on the subject of its separate existence. Jefferson and Wythe were interviewed, and the former observed that Virginia would very likely set up no hindrances

<sup>16</sup> Hall, *Sketches of the West*, I, 262.

<sup>17</sup> *Virginia Gazette*, September 30, 1775. A photostatic copy of the Advertisement may be found in Henderson, *Conquest of the Old Southwest*, opposite page 220.

<sup>18</sup> Turner, "Western State-Making in the Revolutionary Era," in *American Historical Review*, I, 76-81; Hall, *Sketches of the West*, II, 225; *American Archives*, Series IV, Vol. IV, 544, 545.

against a government that did not become oppressive, but that in any event the consent of the Virginia Convention would be necessary before Congress could by right deal with the question. Hogg afterwards saw Patrick Henry and sought to win his support with the offer of an interest in the company, but Henry refused.

While the proprietors were seeking to gain recognition for Transylvania, the discontented settlers were not inactive. The leaders in this movement kept their grievances constantly before the people, and by the end of 1775 had embodied their complaints in a petition to the Virginia Convention, entitled "The Petition of the Inhabitants, and some of the intended Settlers, of that part of NORTH-AMERICA now denominated TRANSYLVANIA." Herein they spoke of their hardships in settling the country and of the grasping policy of the proprietors in increasing the prices of land. They were furthermore alarmed by the questions that arose in their minds when they learned of the contents of the Treaty of Fort Stanwix as to whether the proprietors had made a valid purchase from the Cherokees. They now feared for the validity of their titles. These eighty-eight petitioners ended their plea thus: "And as we are anxious to concur in every respect with our brethren of the United Colonies for our just rights and privileges, as far as our infant settlement and remote situation will admit of, we humbly expect and implore to be taken under the protection of the honorable Convention of the Colony of *Virginia*, of which we cannot help thinking ourselves still a part, and request your kind interposition in our behalf, that we may not suffer under the rigorous demands and impositions of the gentlemen styling themselves Proprietors, who, the better to effect their oppressive designs, have given them the colour of a law, enacted by a score of men, artfully picked from the few adventurers who went to see the country last summer, overawed by the presence of Mr. *Henderson*. And that you would take such measures as your Honours in your wisdom shall judge most expedient for restoring peace and harmony to our divided settlement; or, if your Honours apprehend that our case comes more properly before the honorable the General Congress, that you would in your goodness recommend the same to your worthy Delegates to espouse it as the cause of the Colony."<sup>19</sup>

With their power constantly on the wane among the settlers, the proprietors were forced by this position and the movement it represented to take immediate action to nullify its effect. A long memorial was sent to the Virginia Convention in answer to the charges contained in the petition of the discontented. The proprietors recited a short account of their treaty with the Indians and the hazards and expenses they had undergone in setting up Transylvania and noted that numerous adventurers had migrated thither "and have continued thereon perfectly satisfied with the terms and title, until some interested, artful and designing persons, by cunning, specious and false suggestions, with intent to injure and oppress them, have raised doubts in the minds of some few with respect to the justice and validity of the title, and consequently of the propriety of making payment, according to their original contract and agreement, until some objections shall be removed, or themselves better satisfied." They admitted that they might be amenable to Virginia or the Continental Congress when it came to a question of "the peace, happiness and safety of the United Colonies in general, or any of the Colonies in particular," but they conceived that when it came to a matter of "disputes relative to private property," it did "not properly come within the consideration or determination of this Convention, or any other Convention or Congress on the Continent." They furthermore stated, having noted the

<sup>19</sup> *American Archives*, Series IV, Vol. VI, 1528, 1529; Collins, *History of Kentucky*, II, 510, 511; Hall, *Sketches of the West*, II, 235-239.

changed state of affairs with regard to Great Britain, "That as the means of acquiring and possessing property is an unalienable right, so such Confederacy, Declaration of Independence, or non-allegiance to the King of England, or any other Power or State whatever, and declaring ourselves to be a free people, does by no means interfere with the rights of individuals; and that every attempt to destroy such idea of property, as well with respect to them as others, is injurious, and they hope will be considered as infringements on the rights of humanity, and treated accordingly." Forgetful now of their former purpose of setting up a Fourteenth Colony, they now declared that they had never harbored any such intentions: "That, well aware of the impropriety and danger of erecting or suffering a separate Government within the limits or verge of another, they do declare they never entertained thoughts of such an absurdity, and that their doings, together with the Delegates chosen by the inhabitants of *Transylvania* for the purpose of legislation, were intended as mere temporary by-laws for the good of their little community, and which the necessity of the case, too obvious to need explanation, they hope will sufficiently justify; and that, from the beginning, their constant attention and tenour of conduct has been to make the benefit of their lands as diffusive as possible, and that they now are, and at all times have been, ready to submit to such Government as should be placed by authority over them, wishing and desiring their case may be thought of sufficient importance to call the attention of such power."<sup>20</sup>

This position, in fact, represented a long retreat from their former stand. They were now willing to sacrifice the glittering jewel of political power in order to save the more substantial and valuable right of private property in their vast territory.

But the situation was fast resolving itself into a solution from causes originating in another quarter. There now came prominently onto the stage George Rogers Clark, who had been planning the destruction of *Transylvania* for some time and was now soon to succeed. Clark had been in the Western country as early as 1773, and was greatly impressed with the fertility and attractiveness of the land. He was back surveying in 1775, when he came in contact with the Henderson project.<sup>21</sup> From the beginning he had no sympathy with this scheme to lay hold of the best lands of the West, and before the end of the year he returned to the East, resolved to put a stop to it. But Clark's plans did not end here. *Transylvania* was far from Eastern Virginia and he believed a spirit of independence was fast developing among its inhabitants. This situation called for initiative and daring statesmanship. Destroy *Transylvania*, but do not let the advantage of exacting a desirable position from Virginia escape. Clark made his plans accordingly. He said: "I immediately fixed on my plans, that of assembling the people, get them to elect deputies and send them to the assembly of Virginia, and treat with them Respecting the Country. If Valuable Conditions were procured, to declare ourselves Citizens of the State; otherwise Establish an Independent Government, and by giving away great part of the Lands and disposing of the Remainder other ways we could not only gain great numbers of Inhabitants, but in good measure protect them to carry this scheme into effect."

Clark had been laying good foundation for his plans, for when the proprietors called another convention for April 10 (1776), to sit at Harrodsburg, some of the settlers, fearful that "the proprietors would wish to establish some laws which might operate to their disadvantage," requested that the convention be postponed until a "few men of better

<sup>20</sup> *American Archives*, Series IV, Vol. VI, 1573-1575. Paraphrased report in the minutes of the Virginia Convention.

<sup>21</sup> A. B. Hulbert, *Pilots of the Republic* (Chicago, 1906), 171.

abilities come among them to assist in making such laws." Might this not have reference to Clark, who had not yet returned from the East? This convention was never held, but another was. In pursuance of his plans, Clark called a convention to meet in Harrodsburg in the early part of June, but failed to mention the purpose of the meeting. The assembly met and, with Clark absent during most of the first day's session, not knowing what else to do, elected him and Gabriel John Jones as delegates to the Virginia Assembly and made preparations to draw up a petition asking that they be admitted and that this region be erected into a county. This was not Clark's purpose at all, but he preferred not to balk the proceedings at this stage. It wholly ignored the independent position that Clark would have the people assume, and left him no grounds to negotiate on. The petitions formulated and other proceedings carried out, retrieved in a way the people's former independent stand. *Transylvania* was wholly ignored as a designation for the region in "The Humble Petition of the Inhabitants of Kentucke (or Louisa) River on the Western parts of Fincastle County." Other expressions, such as "the inhabitants of the north and south side of the Kentucke river," were used. Henderson was declared to have set up a policy "which does not at all harmonize with that lately adopted by the United Colonies." After expressing loyalty to the Revolution, the petitioners added: "And we cannot but observe how impolitical it would be to Suffer such a Respectable Body of Armie Rifle Men to remain in a state of Neutrality." As this meeting had wholly repudiated and ignored the Transylvania Company, it was felt that some sort of a governing body should be constituted. The assembly, therefore, set up a Committee of Twenty-one, "as it is the request of the inhabitants that we should point out a number of men capable and most acquainted with the laws of this Colony to act as civil Magistrates. \* \* \*" The petition to the Virginia Assembly noted that the committee had been selected "for, without law or authority, vice here could take its full scope, having no laws to restrain, or power to control."<sup>22</sup>

Clark and Jones now set out for Williamsburg, but learned before reaching there that the Assembly had adjourned. Jones turned back, but Clark continued on to carry out his negotiations with Patrick Henry, who was governor at that time. Governor Henry introduced him to the Council of State, whom Clark immediately asked for 500 pounds of powder for frontier defense. He knew that if Virginia should once assume the protection of this region that such action would automatically be a disallowance of Henderson's government. The council so sensing refused to deliver it to Clark as a representative of the Harrodsburg meeting, but agreed to lend him the powder, provided he would stand personally responsible for it. This Clark refused to do, on the ground that he did not have the money necessary to purchase it, and added, with compelling effect, "that I was sorry to find that we should have to seek protection elsewhere which I did not doubt of getting that if a Countrey was not worth protecting it was not worth Claiming & &."<sup>23</sup> The powder was granted and conveyed to Pittsburg, there to remain subject to the order of Clark.

When the Virginia Assembly met in the fall, Clark and Jones were on hand, but seats were refused them. However, they secured a victory

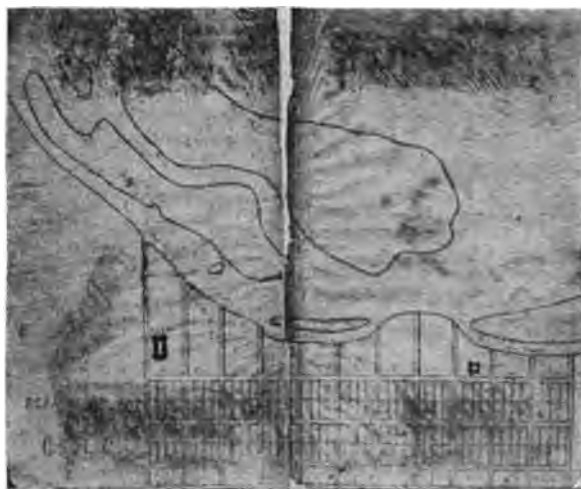
<sup>22</sup> *George Rogers Clark Papers, 1771-1781* (Illinois Historical Collections, Vol. VIII, Springfield, 1912), edited by J. A. James, 11-13; 14-16; J. M. Brown, *Battle of the Blue Licks* (Frankfort, 1882), booklet, 55 pp.

<sup>23</sup> *Clark Papers*, 212, 213. This was most likely an empty threat Clark used, knowing the effect it would have on the Council. However, William Wirt Henry believed Clark had the Spaniards in mind; while Lyman C. Draper held that it was nothing more than a threat to set up an independent government. See footnote 2, in Alden, *New Government West of the Alleghanies*, 61.



in the erection of the County of Kentucky out of the western stretches of Fincastle. The limits were practically the same as the present State of Kentucky. According to the act setting it off (December 31, 1776): "All that part thereof which lies to the south and westward of a line beginning on the Ohio at the mouth of the Great Sandy Creek and running up the same and the main or northeasterly branch thereof to the Great Laurel Ridge or Cumberland Mountain, then southwesterly along the said mountain to the line of North Carolina shall be one distinct county and called and known by the name of Kentucky." It was to have the regular county organization and the franchise was to rest in "every white man possessing twenty-five acres of land with house and plantation thereon."<sup>24</sup>

This action of the Virginia Assembly in effect sounded the death knell of Transylvania. During this session Henderson had been present, feverishly working to prevent unfavorable action by the Assembly. It was



PLAN OF LOUISVILLE, 1779, BY GEORGE ROGERS CLARK, SHOWING STATION ON CORN ISLAND AND ON SHORE AT FLOYDS

to a great extent a battle between Clark and Henderson. The beginning of the end of Henderson's scheme had already come on June 24 (1776), when the Virginia Convention announced its policy regarding the Transylvania lands. It was resolved: "That all persons actually settled on any of the said Lands ought to hold the same, without paying any pecuniary or other consideration whatever to any private person or persons, until the said petitions [from the dissatisfied settlers], as well as the validity of the titles under such *Indian* deeds and purchases, shall have been considered and determined on by the Legislature of this country; and that all persons who are now actually settled on any unlocated or unappropriated Lands in *Virginia*, to which there is no other just claim, shall have the preemption or preference in the grants of such Lands.

*"Resolved, That no purchases of Lands within the chartered limits of Virginia shall be made, under any pretence whatever, from any Indian*

<sup>24</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 41. Harrodsburg was made the county seat. H. A. Scomp, "Kentucky County Names" in *Magazine of History*, Vol. 7, (1908), 144-154; Mann Butler, *A History of the Commonwealth of Kentucky* (Cincinnati, 1836), 2nd edition, 89; *Proceedings of the American Historical Association*, IV, 351, 353.

tribe or nation, without the approbation of the *Virginia* Legislature.”<sup>25</sup> With the Transylvania government definitely destroyed by the establishment of the County of Kentucky and with the above land policy announced by Virginia, it only remained for the Transylvania Company to fight for private ownership of the vast area they claimed. The Virginia Assembly carried out exhaustive investigations, while Judge Henderson on behalf of his company carried on the contest for the recognition of ownership. Finally, on November 4, 1778, the Assembly declared: “That the purchases heretofore made by Richard Henderson and Company, of the tract of land called Transylvania, within the commonwealth, of the Cherokee Indians, is void; but as the said Richard Henderson and Company have been at very great expense in making the said purchase, and in settling the said lands, by which this commonwealth is likely to receive great advantage, by increasing its inhabitants, and establishing a barrier against the Indians, it is just and reasonable to allow the said Richard Henderson and Company a compensation for their trouble and expense.”<sup>26</sup> Henderson and his associates were finally given 200,000 acres in the present State of Kentucky, lying between the Ohio and Green rivers. North Carolina appropriated the remainder of the Transylvania purchase, lying within her borders, and recompensed the proprietors in Powell’s Valley.

The Transylvania proprietary idea was too belated to secure popular support, and the scene of its operations, amid a self-willed people there through the operations of natural selection, made the project doubly hazardous. But the Transylvania Company did a valuable work, and it was so recognized by Virginia. The fall of Transylvania was the fall of Henderson as the Kentucky state-maker, and the rise of Clark.

<sup>25</sup> *American Archives*, Series IV, Vol. IV, 1044.

<sup>26</sup> Hall, *Sketches of the West*, I, 277.

## CHAPTER XII

### KENTUCKY IN THE REVOLUTION

The strategy of the American Revolutionary war as contemplated by Great Britain was by no means limited to the area of the seaboard. The conduct of the war in the West was a very material and important part of her general plan for carrying on the conflict, and she was not long in realizing it. The Colonies were much longer in making this realization, if, indeed, they ever did fully; and it was only due to the broad vision of George Rogers Clark and to those whom he could interest that Kentucky and the whole West was not lost to the British and the terms of the final treaty of peace vastly changed from what they came to be. Kentucky was, in fact, the keystone to the Western arch. Had the hardy pioneers faltered in their determination to hold their new homes, the back door to Virginia would have been thrown open for the inroads of the Indians and their British allies, and many troops would have been diverted from the major operations on the seaboard to repel these new invasions.

The isolated raids by the Indians during 1775 and their greater frequency and persistence during the following year gave indication enough that events were shaping themselves for a general war in the West. The British in Detroit under Lieut-Gov. Henry Hamilton early saw the advantage of arraying the Indians against the outlying settlements, and undeterred by the barbarities sure to accompany savage warfare, had in the fall of 1776 held councils with the northwestern tribes for the purpose of cementing an alliance against the Americans. There was soon let loose on the frontiers a war of virtual extermination, for which the British were largely to blame, but in which the pioneers were little behind their opponents in cunning and severity. Hamilton to the frontiersmen represented the sum total of all villainies, and was popularly known as the "hair-buyer" on account of the general belief that he paid the Indians for the scalps they took.<sup>1</sup>

John Bowman, being the County Lieutenant of Kentucky, was technically the military leader of the western settlers;<sup>2</sup> but George Rogers Clark came, in fact, to be the most outstanding military figure in the West. As has been already noted, he assumed virtual leadership when he maneuvered Virginia into granting him 500 pounds of powder in the fall of 1776. Having succeeded in getting Kentucky erected into a county organization, Clark and Jones set out for Pittsburg to convey the powder down the Ohio. They reached the mouth of Limestone Creek without any serious mishap, despite the fact that they were pursued by the Indians. Using a little strategy they eluded the enemy, hid their cargo on the banks of the Limestone, and proceeded to Harrodsburg to secure aid. They had gone only a short distance when they met surveyors, who informed Clark that a sufficient number of men could be gathered up in the neighborhood to safely convey the powder to the settlers. Jones remained to supervise the work, while Clark, piloted by Simon Kenton, who had already largely identified himself with this region, proceeded on to Harrodsburg by the way of McClelland's Fort. Jones with the aid

<sup>1</sup> Theodore Roosevelt, *The Winning of the West* (New York, 1897), II, 1-7.

<sup>2</sup> Collins, *History of Kentucky*, I, 10.

of Col. John Todd and his surveyors proceeded to the banks of the Limestone where they were suddenly attacked by a band of Indians led by the Mingo Chief, Pluggy. Jones and another man were killed and two were captured. The remainder escaped to McClelland's Fort where they were soon joined by Clark and Kenton on their return. The Indians not content with their first victory now closed in on the fort, but meeting unexpected resistance soon withdrew with the loss of their chief. This attack took place on the New Year Day of 1777. McClelland's Fort was soon abandoned, and these and other scattered settlers began to concentrate south of the Kentucky River or to thread their way back to the Eastern settlements.

The frontiersmen now organized their activities to the smallest detail on a war basis. The lives of men, women, and children were all regulated by the exigencies of war and defense. All were grouped in a fort or barricaded settlement within one enclosure, with cabins, stockades, and block-houses. The cabins formed the walls of at least one side of the fort, or in some instances possibly all sides. Stockade walls of strong timbers completed the enclosure where there were no cabins. The outer walls of the cabins extended perpendicularly to the top and the roof sloped down inward. The cabins were separated from one another by log partitions and consisted generally of one room with the ground as a floor or sometimes puncheon. At each angle of the fort (and they were generally quadrilateral) there was a block-house with the upper story protruding from one to two feet in every direction. Portholes were cut at convenient places in all the outer walls of the fort. A large folding gate was made on the side nearest the water supply. The wilderness was cleared back for a way on all sides, both to secure protection against sudden Indian surprises as well as to provide fields for corn, pumpkins, melons, and garden products.

The men cultivated the fields, carried out hunting expeditions into the surrounding forests, and fought the Indians. The women and children busied themselves with the many tasks in and about the fort, helped in planting and harvesting, and always stood ready to aid in repelling Indian attacks. The simple furnishings of the cabins were for the most part the handiwork of the frontiersmen, themselves, with now and then a few articles brought out from the Eastern settlements. Their dress was simple but substantial; the hunting shirt was a distinctive part of their clothing. The restricted lives of the people were not wholly uninteresting nor without their pleasures. The ever-present Indian dangers provided excitement enough of its kind; and the manners and customs in the forts were so shaped as to minister to many a want and craving for social outlets. Games and sports were indulged, and marriages were made and celebrated. The children were taught in a rudimentary way to read and write.

Warfare ranged around these forts as centers. They were constantly the object of attack by the crafty bands of Indians who lurked in the forests waiting to cut off someone who ventured too far out. They were also at times besieged in force. The hunters abroad in the forests to replenish the meat supply were now and then killed or captured and at all times were required to exercise the utmost vigilance. The most adept were equal to the Indians in cunning and woodcraft. This warfare was marked by many an unchronicled combat between small parties as well as by larger engagements that approached organized warfare. In every instance individual initiative and daring were prime requisites and were always present in the successful frontier fighter.<sup>8</sup>

<sup>8</sup> For a description of frontier life and customs, see Daniel Drake, *Pioneer Life in Kentucky* (Cincinnati, 1870); Joseph Doddridge, *Notes on the Settlement of West Virginia, etc.* (Wellsburg, 1824); Collins, *History of Kentucky*, II, 28-31.

With the coming of the spring of 1777, the British in Detroit began concerted action with the Indians to lay waste the Kentucky settlements and to destroy the inhabitants or drive them back to the East. In this way could the British maintain their good standing with the Indians by restoring to them their hunting grounds, and by this action they would also lay open the frontiers of Virginia to attack. The first blow fell on Harrodsburg. In early March the approach of the Indians was revealed by their sudden attack on a group of surveyors near the fort. Only one escaped to give the alarm. Harrodsburg was immediately put in a state of defense, and the approach of the enemy was anxiously awaited. The Indians began their attack a few days later with customary trickery which however failed, and rather than conduct a long siege, which was never the Indian method, they suddenly vanished into the forests.<sup>4</sup> But their purpose was not to leave Kentucky; in the middle of April they suddenly appeared before Boonesborough, more than fifty strong, and began an assault on the settlers, who could not muster more than twenty-two riflemen. The defenders received the attack with such coolness that after two days the Indians withdrew, but not before taking one scalp and wounding four whites, one of whom was Boone. Having failed in their purpose here, the Indians next attempted to capture Logan's Fort, which they suddenly assailed on May 20. The initial onset resulted in the death of one settler, and the wounding of two others, one mortally. As the gates of the stockade were closed against the Indians it was seen with horror that one of the wounded had been left outside. With great daring and coolness Logan rescued him amid a rain of bullets. The Indians now began a close watch on the fort, ready to shoot any settler so fool-hardy as to expose himself. As ammunition ran low, Logan with two companions slipped away to the Holston settlements and returned with supplies. The siege was finally terminated by the approach of Colonel Bowman with a hundred men. In the meantime a party of Indians had attacked Boonesborough a second time, in July, but the defenders were on their guard and beat off their assailants and succeeded in slaying a half dozen of them.<sup>5</sup>

As far as the destruction of the Kentucky settlements was concerned, the British and Indians had failed; however, they had showed the settlers the extreme dangers that surrounded them and had steeled the hearts of many to resist to the end. During the summer they had been cheered by the arrival of parties from the Holston settlements to help in the struggle; but these forces had returned after a few weeks. However several parties of immigrants came out to settle permanently. By the end of 1777, the small outlying stations had all been abandoned and the people had concentrated for better defense into four chief forts, Boonesborough, Harrodsburg, Logan's Fort and McGarry's Station at Shawnee Springs. There were, in all, about five or six hundred permanent settlers, with about one half able bodied riflemen.<sup>6</sup>

Clark's vision of the Western situation was broad and far-seeing. He early began to believe that there would be an interminable period of hostilities in Kentucky, or the settlements would be destroyed, unless efforts should be made to reach the trouble at its source. The swarming hordes of Indians from north of the Ohio clearly pointed to the solution: the British, who were responsible for this warfare, must be attacked in

For a drawing of the fort at Boonesborough, see among others Henderson, *Conquest of the Old Southwest*, opposite page 56.

<sup>4</sup> Marshall, *History of Kentucky*, I, 48, 49; Collins, *History of Kentucky*, II, 611, 612.

<sup>5</sup> Roosevelt, *Winning of the West*, II, 13, 14; Marshall, *History of Kentucky*, I, 49-55; Winsor, *Westward Movement*, III.

<sup>6</sup> These figures differ from those given in many other places. For an explanation see Roosevelt, *Winning of the West*, II, 18, footnote.

their strongholds. Early in the summer of 1777, Clark had sent spies into the Illinois country to find out the strength of the British there and to note the disposition of the French settlers. In this manner he learned that the French settlers were inclined to be friendly to the Americans, and with other favorable information he resolved to carry out a bold stroke against the British posts. But for so important an undertaking, he, of course, could not depend upon the limited resources of the Kentucky settlements. It was to be an important part of the Revolution, in which all the states should be interested, and Virginia especially.

On October 1, 1777, Clark set out for Williamsburg, bent on securing the aid of Virginia in carrying out the conquest of the Northwest. He saw Governor Henry, laid his plans before him, and asked for men and money. Governor Henry was almost staggered by Clark's bold designs, and offered the opinion that whereas such an expedition would be of great value if it succeeded, still there was much danger and likelihood that the party would be destroyed before it should go far. However he agreed to call together Thomas Jefferson, George Wythe, and George Mason, in order that Clark might lay his plans before them. Clark's power of persuasion and reputation as an intrepid and successful fighter won for him. An order was issued to the Virginia Council to give Clark the necessary aid as soon as possible. As secrecy was necessary for surprise, and as only by this method could the most hopeful expect the expedition to succeed, two sets of instructions were issued. According to the public announcement Clark was ordered to enlist seven companies of men for three months to proceed to Kentucky ostensibly for the defense of the settlements there. The situation and the clamoring of the people for protection made this procedure perfectly logical. But on the same day on which this order was issued (January 2, 1778), a set of private instructions were handed Clark in which he was authorized "to proceed with all convenient Speed to raise Seven Companies of Soldiers to consist of fifty men each officered in the usual manner armed most properly for the Enterprise, with this Force attack the British post at Kaskasky." He was further instructed to lay hold of any artillery he might take in the enemy's country, and to show humanity to British subjects and all others who might fall into his hands. He was to use his power of kindness and persuasion to detach the people around the British posts from British allegiance and offer them the protection of Virginia.<sup>7</sup> Governor Henry seems to have been completely won over to this undertaking in all its boldness. On January 15, he addressed a letter to Clark, in which he said, "What I have in View is that your Operations should not be confined to the Fort and the Settlement at the place mentioned in your recent Instructions [Kaskaskia] but that you proceed to the Enemy's Settlements above or across as you may find it proper."<sup>8</sup>

Clark immediately set about raising his troops with great zeal and

<sup>7</sup> Col. George Rogers Clark's *Sketch of His Campaign in the Illinois in 1778-9* (Cincinnati, 1869), 95, passim. This is in the form of a letter from Clark to George Mason, dated November 19, 1779. For other accounts of the Clark Expedition, see W. H. English, *Conquest of the Country Northwest of the River Ohio, 1778-1783*; and *Life of Gen. George Rogers Clark* (Indianapolis, 1896), 2 volumes. Clark's Memoir is reprinted in this work. For an estimate of the trustworthiness of this document, see James A. James, "The Value of the Memoir of General George Rogers Clark as an Historical Document" in *Proceedings of the Mississippi Valley Historical Association*, 1916-1917, 249-270. Another source is Clark's journals, a copy of which may be found in the *American Historical Review*, I, 91-94. Clark's diary, another source of importance, may be found in J. A. James, *George Rogers Clark Papers, 1771-1781* (*Illinois Historical Collections*, VIII). A copy of Bowman's Journal, which covers the campaign from January 29 to March 20, 1779, may be found in English, *Conquest of the Northwest*, I. James, *George Rogers Clark Papers* is the best single volume of sources.

<sup>8</sup> *Ibid.*, 38.

much haste. Jefferson, Wythe, and Mason, were very anxious to have Clark succeed quickly in raising a force, and in order to make his service particularly attractive to a people who had already been combed many times for fighters, suggested to him that he offer three hundred acres of land in the territory yet to be conquered to the privates and a proportional amount to officers. Despite Clark's ceaseless activity, he found great difficulty in raising his men. He had promised Governor Henry to enlist his men in Carolina, Kentucky, and the frontiers generally and when he sought men too far to the eastward in Virginia he received orders from the governor to desist.<sup>9</sup> The Holston settlements promised him four companies to be sent to join him in Kentucky, but only one company actually went and of these only a dozen took service with Clark. Finally in May (1778) he left the Redstone settlements with 150 men, together with a number of private adventurers and families of immigrants. He took on stores at Pittsburg and Wheeling and drifted on down the Ohio with his little flotilla. He first considered establishing a post at the mouth of the Kentucky River, but with better judgment concluded to set up headquarters at the Falls of the Ohio. Here some of the immigrants remained to establish the Town of Louisville, while others wandered off into the interior. Clark had been joined by a few troops on his way down the Ohio, but he had hoped to receive considerable additions from Kentucky. In this he was disappointed, as only Simon Kenton and one other left the stations to accompany him. This refusal of Kentuckians to join him was due to the fact that at this very time the settlements were on the verge of an Indian attack in force, and rightly did they refuse to leave their women and children to the mercy of the invaders. Although Clark's men in the beginning were not Kentuckians, they almost to a man became identified with Kentucky later.

On June 24, Clark shot the rapids with four small companies, commanded by John Montgomery, Joseph Bowman, Leonard Helm, and William Harrod and continued down the Ohio to an island not far below the mouth of the Tennessee where he prepared to take the overland trip to Kaskaskia.<sup>10</sup> At this point six hunters lately come from Kaskaskia were run upon, and one of these Clark engaged to pilot his expedition to the British fort. Direct information of the strength of the British was thus secured, and it was apparent that a surprise was the sole method of winning against the British garrison. The march over one hundred and twenty miles of swamps and difficult roads was immediately begun. At one time the hunter lost his bearings and the expedition was floundering in confusion; but Clark's threats against the guide, and good fortune soon set them on the right road again, and on July 4, they reached the Kaskaskia River three miles from the fort. Then according to Clark, "I immediately divided my little army into two divisions, ordered one to surround the town, with the other I broke into the fort, secured the Governor, Mr. Rochblave, in fifteen minutes had every street secured, sent runners through the town ordering the people on pain of death, to keep close to their houses, which they observed, and before daylight had the whole town disarmed." A dance and merry-making had been going on within the fort, and Clark had been able to take the garrison and town by complete surprise. Otherwise the outcome might have been very different as Rochblave had an effective force two or three times the size of Clark's. The Americans were yet in a dangerous situation as Cahokia and Vincennes still remained in the hands of the British and Kaskaskia might carry out a sudden uprising. With great cunning and diplomacy Clark harangued the inhabitants, telling them how he might

<sup>9</sup> *American Historical Review*, VIII, 495.

<sup>10</sup> Clark did not continue farther by water through fear that his presence might be detected and information conveyed to the British.

carry out the utmost rigors of war against them, but ending up by promising them full protection should they remain peaceable and support the American cause. He also promised the Catholics full religious liberty, and thereby won the strong support of Pierre Gibault, the priest in charge. Clark was also able to use with good effect on the French settlers the news of the alliance lately made between the Americans and France.

Clark now set about systematically securing the other British posts. He sent Captain Bowman with some volunteer French militia against Cahokia, a post on the Mississippi a few miles below St. Louis, who took possession of it without resistance. Clark now sent Kenton with dispatches to the Falls of the Ohio and also with instructions to spy out conditions in and around Vincennes. Kenton spent a few days in and about the post, and sent a messenger back to Clark telling him that the French inhabitants were well disposed to the Americans. With such conditions prevailing there Clark decided to take advantage of Pierre Gibault's offer to go to Vincennes and endeavor to persuade the people to throw off their British allegiance. On the 14th of July, Gibault set out with an influential Frenchman of Kaskaskia and Lieutenant Helm, who was to act as military governor of the post if the negotiations should succeed. On reaching Vincennes a few days of quiet explanation among the inhabitants was carried out, which resulted in the French throwing off their British allegiance and joining the American cause. The British flag was taken down, the American flag was run up, and the few British officers escaped. Thus was Vincennes taken without a struggle, thanks to the strategy of Clark and the diplomacy of the French leaders.

Clark was now in a position of great difficulty, despite the complete success that had been his so far. He was far from reinforcements or any sort of aid that might be sent him from Virginia, and just at this very time the term of enlistments of his soldiers was running out. Without the individual choice of his men, he would soon be automatically without an army. Here he used another of those stratagems, which he was so adept in devising. By presents and promises he was able to enlist a hundred of them for a further period of eight months, and with these he made showy preparations of departing for Virginia. The French became alarmed at this sudden abandonment of them, and begged him to stay. With apparent great reluctance he finally agreed to remain, and out of the enthusiasm stirred up among the inhabitants he succeeded in enlisting enough young Frenchmen to fill his four companies again. He also took occasion to make friends with the Spaniards in St. Louis and in the other posts beyond the Mississippi. Perhaps the most pregnant danger was the hordes of Indians who visited the posts and had been hangers-on to the British. Clark gathered representatives of almost every tribe throughout the Northwest at Cahokia, and there with consummate skill, at one time severe and uncompromising and at others friendly and merciful, completely won over the respect and support of the Indians.

During this time the British were not idly looking on a scene which showed a complete destruction of their power in the Northwest. Hamilton immediately on Clark's victories set feverishly to work collecting food and ammunition, enlisting men and winning over the Indians. Early in October (1779) he set out from Detroit with one hundred and seventy-seven whites and soon succeeded in gathering up enough Indians to make a force of five hundred men. He went by water through the Great Lakes to the Maumee, flowing into Erie, and followed up this stream to its head, crossed the portage into the Wabash, and after great hardships and difficulties, succeeded in reaching Vincennes. The French garrison went over without a struggle and Helm and his one or two Americans were forced to surrender. Hamilton now conceived a bold plan of destroying Clark and his little force in Kaskaskia, and with a force of a thousand whites



and Indians, march against Kentucky. The only hazard that lay between him and the complete destruction of the American power throughout the West was Clark; for had the latter been defeated, there is little question that he would have succeeded in battering to pieces the Kentucky forts with his cannon. When he took Vincennes he had a force about five times the size of Clark's effective troops, and had he been able to reach Clark at this time he might easily have succeeded. But it was now December, and the route to Kaskaskia lay across a most difficult country, so uninviting that Hamilton resolved to await the coming of spring to destroy Clark.

When the news of Hamilton's capture of Vincennes reached Kaskaskia the French were in great terror, and although loyal to the Americans they let Clark know they were unwilling to fight the British through fear of dire consequences. Hamilton now settled down to spend a comfortable winter in Vincennes, awaiting the time when he should proceed to the destruction of Clark. He allowed his forces to disintegrate to only a hundred or two. Intelligence of this situation was conveyed to Clark by Francis Vigo, a St. Louis trader, whom Hamilton had imprisoned and later released. Clark now saw his chance; but only a leader of Clark's intrepidity and daring would ever have had the hardihood to attempt it. He began preparations to attack Vincennes in the dead of winter, and two days before he began his march he wrote Governor Henry, "Being sensible that without reinforcements, which at present I have hardly a right to expect, I shall be obliged to give up the Country to Mr. Hamilton without a turn of fortune in my favour, I am resolved to take advantage of the present situation and risque the whole in a single battle. I shall set out in a few days, with all the force I can raise of my own troops, and a few militia that I can depend on, amounting in the whole to only 170 \* \* \* men \* \* \* . I know the case is desperate, but Sir! we must either quit the country or attack Mr. Hamilton \* \* \* . In case we fall \* \* \* this country as well as Kentucky I believe is lost \* \* \* ."

Clark had now decided to do the very thing which Hamilton had considered next to impossible, and in this very fact lay the possibility of surprise which was necessary if Clark was to succeed. In early February he set out with his Americans and a few French volunteers across a country offering almost insurmountable obstacles. The cold winter had given way to warmer weather, and the melting ice and snow had flooded the streams running across his path and had made great inland seas out of the small river systems. Clark sent as a forerunner a boat with two four-pounders and forty-six men to force its way up the Wabash and await further orders at the mouth of the White River. The main forces marching across country surmounted many dangers and endured many hardships; but when they reached the valley of the Wabash they found a country flooded for miles in every direction, with a hillock here and there rearing itself above the water. Over the shallow parts the men waded often up to their necks in the chilly waters, and over the main channels it was necessary to use boats hurriedly constructed for the purpose. At times Clark was able to spur his men on by the most reckless daring on his part, going first as an example to his men; at other times he threatened with death the timid who would turn back. As they approached Vincennes, a few captives were taken, and Clark made use of a ruse in this connection. Realizing the desperate situation he was in, and knowing that should he be discovered before he could attack, he with his force would likely be destroyed, he sent forward a message by a captive to the French inhabitants warning them that they should go to their homes or join Hamilton in the fort, for if they should be found in the streets during the attack they would be considered enemies and would be dealt with accordingly. Among them this announcement spread

terror, for they could not conceive that Clark had marched across the supposedly impassable country from Kaskaskia; and they, therefore, concluded that Clark had come from Kentucky with a great army. They repaired to their homes without informing the British in the fort, and on Clark's arrival, he found Hamilton wholly unsuspecting. After deploying his troops in two groups, and after a bit of skirmishing in which Hamilton was taken completely by surprise, a parley was held between Clark and Hamilton, which resulted in the surrender of the British. Hamilton and the whole garrison became prisoners of war. Most of the prisoners were paroled; but Hamilton and twenty-six others were sent to Virginia. The party in the gunboat did not arrive until two days after the fort had been taken.

This brilliant campaign put the British fortunes at a low ebb in the West, and saved Kentucky from the almost inevitable subjugation that awaited her. Clark struck terror to the Indians, and their disaffection to the British became so general that on the admission of the British, themselves, only the Sioux remained loyal.<sup>11</sup> Though Clark's campaign played no big part in the peace negotiations, it certainly stands to reason that without this conquest of the Northwest, the boundary of the United States might have been fixed at the Ohio River; or indeed, conditions might easily have shaped themselves in such a way that the Americans would have been forced to accept the Alleghanies as the western boundary. Clark put the following estimate on the activities of the Western forces: " \* \* \* but I know and always knew that this Department was of more real Service to the united States than half of all their Frontier Posts, and have proved of great importance by engaging the attention of the Enemy that otherwise would have spread Slaughter & Devastation through out the more Interior Frontier, deprived them of giving any assistance to our Eastern Armies, and more then probable, the Alleghany would have been our Boundary at this time."<sup>12</sup>

But in the meantime, while Clark was busily carrying forward his conquest, of the Northwest, Kentucky was being sorely beset by the Indians, aided by the British. While Clark was raising his forces in Virginia to go on his Kaskaskia expedition, Hamilton in Detroit was stirring up the Indians to make a raid against Boonesborough. Two French Canadians were sent off to engage as many Shawnees as possible for the expedition, and soon about a hundred Indians were on the march southward. On February 7, 1778, they came suddenly upon Daniel Boone, who had established a camp of salt-makers at the Lower Blue Licks, and made him prisoner.<sup>13</sup> They soon came upon the main party of twenty-seven, whom Boone advised to surrender. The Indians now in the possession of so likely a lot of prisoners gave up the expedition against Boonesborough, as Boone had contemplated when he ordered his party to surrender, and retraced their steps to Detroit. Here the Indians receiving rewards for their prisoners, handed them over to the British. But they had taken so strong a liking to Boone that they refused to give him up, even for a hundred pounds sterling, which Hamilton offered them. The Indians now adopted Boone as a member of their tribe, going through with a most trying ceremony for their new member. Boone was carried back to Old Chillicothe, and according to all outward appearances he had become a good Indian; but he was secretly meditating his escape and cleverly preparing for it.

Finally in June (1778) he saw unmistakable signs of a formidable

<sup>11</sup> James A. James, "To What Extent was George Rogers Clark in Military Control of the Northwest at the Close of the American Revolution?" in *Annual Report of the American Historical Association*, 1917, p. 316.

<sup>12</sup> James, *Clark Papers*, 597. Clark to county officers in Kentucky, Sept. 5, 1781.

<sup>13</sup> *The Revolution on the Upper Ohio, 1775-1777*, edited by R. G. Twaites and L. P. Kellogg, Draper Series, II (Madison, 1908), 175, 177, 187, 188, *passim*.

expedition preparing against Boonesborough, and he resolved to escape and carry the warning. On June 16, he escaped and four days later reached Boonesborough a distance of 160 miles. Instead of being received with joy by all, Boone was immediately confronted with charges of treason for having surrendered his party at the Blue Licks. A court martial was held later, and Boone not only succeeded in establishing his innocence, but was elevated in rank. As the attack that Boone expected did not come, he grew tired of waiting, and getting together a party of nineteen made a foray into the Scioto country, where he soon learned that a formidable expedition was at that time marching on Boonesborough. He hurriedly retraced his steps, and succeeded in passing the enemy and reaching the fort the day before the attack. This was in fact a bold attempt on the part of the British to detach Kentucky from the Americans by trickery and bribery, failing which, systematic subjugation should be carried out. Lieutenant de Quindre with eleven other French Canadians had gathered together more than four hundred Indians, mostly Shawnees, and well supplied with arms and ammunition and bearing aloft the British and French flags they appeared before Boonesborough, and demanded the surrender of the fort. Boone asked for two days in which to consider the situation, during which time he made every preparation for a siege, although there were only seventy-five men in the fort. When the time had expired, Boone answered with derision, thanking the enemy for the time they had given him to put the fort in readiness. De Quindre still hoping to get possession of the fort without a fight, asked for a treaty parley. Boone, rightly suspicious of the enemy's actions, agreed to send out a party to treat, but demanded that the conversations be carried on near the walls of the fort. With each undoubtedly suspecting the other of trickery, a treaty of unknown terms was signed, whereupon the Indians suggesting that it should be sealed by shaking hands, seized Boone and his men and attempted to hold them prisoners. The defenders freed themselves and fled to the fort under a heavy fire from the Indians. Having failed in their trickery, the Indians now began an attack in which different plans were resorted to to gain the fort. At one time torches were thrown against the stockades in an attempt to set the fort on fire; at other times efforts were made to tunnel under the stockade. This latter plan was checkmated by counter-tunnelling by those within the fort. Finally after nine days of fruitless attacks, the French and Indians abandoned the fight. This was the last siege of Boonesborough. Had it succeeded it might easily have led to the subjugation of the other posts in Kentucky, and to the complete destruction of the settlement.<sup>14</sup>

Desultory Indian attacks and scattered raids continued, and gradually became so unbearable that Lieutenant John Bowman in May, 1779, decided to lead an expedition into the Indian country to punish the marauders. Aided by Logan, Harrod, and other famous frontier fighters he gathered a force of one hundred and sixty Kentuckians and marched on Chillicothe. He surprised the town, burned a number of cabins, and captured a few horses; but the Indians suddenly rallied and succeeded in inflicting a defeat on the whites. Nine of Bowman's men were killed; whereas only two Indians lost their lives. Although this reverse caused much mortification among the Kentuckians, the expedition served a very valuable purpose. It threw the Indians into a state of terror, and broke up for the time an attempt that was forming to invade Kentucky.

<sup>14</sup> It has been stated by some writers that the treaty contained provisions renouncing American allegiance and renewing loyalty to the British. See W. H. Siebert, "Kentucky's Struggle with its Loyalist Proprietors" in *Mississippi Valley Historical Review*, VII, No. 2 (September, 1920), 117. Also see Roosevelt, *Winning of the West*, II, 20-22; McElroy, *Kentucky in the Nation's History*, 77-85; Marshall, *History of Kentucky*, I, 58-62; Collins, *History of Kentucky*, II 528, 529; *American Historical Review*, VIII, 505.

Having by the beginning of 1779 secured control of much of the Northwest, Clark set about consolidating his gains as far as it was possible with the scanty forces at his command. He left small garrisons in Vincennes, Kaskaskia, and Cahokia, and by the latter part of April had turned over this region to John Todd, who had been recently appointed civil governor by the authority of Virginia. By a broad view of the situation in the Northwest Clark saw that the fight was only half won. As long as the British held Detroit, Sandusky, and Mackinac, as well as other Northwest posts, there could be no peace in the West, and indeed there could be no certain security for the gains already made. The capture of Detroit became an obsession with him; indeed, he had seen the great desirability of marching upon it immediately after he had captured Vincennes. It was a forlorn hope at this time, however, as he did not possess sufficient forces, and there was no likelihood of obtaining them soon. He later declared, "Had I been able to raise only five hundred men when I first arrived in the country, or when I was at St. Vincent's could I have secured my prisoners, and only have had three hundred good men, I should have attempted it."<sup>15</sup> On November 19, 1779, he bemoaned the situation in a letter to George Mason, "Never was a person more mortified than I was at this time, to see so fair an opportunity to push a victory; Detroit lost for want of a few men."<sup>16</sup>

In the summer of 1779, Clark returned to Kentucky and resumed his headquarters at the Falls of the Ohio. The families that had followed him out on his expedition and had settled down here had begun a town, which was now growing fast. His reputation had spread far, and his identification with Louisville, as this town was called, caused many families to settle here. It was reported that in one day in April no less than seventy men and several families arrived.<sup>17</sup> Much real progress was now settling in throughout this whole region; but the extreme severities of the winter of 1779-1780 were enough to try the souls of the most hardy. This season was long remembered as the winter when wild animals died in the forests of starvation and exposure, or were tamed by hunger to come into the yards of the pioneers.

The military situation in the West commanded the constant attention of Clark, who was looked upon as a protector for this region. One of the early concerns of Clark was to erect a fort near the mouth of the Ohio. The strategic importance of this point had been previously noted in Clark's instructions to prepare for his Northwest expedition. Governor Henry at this time suggested that the fort might be supplied with cannon which he expected Clark to capture at Kaskasia. Up until the fort was actually built, the project was constantly in the mind of Clark and the Virginia authorities. In September, 1779, Clark wrote Jefferson that such a fort "would Amediately become the key of the whole Trade of the Western Countrey and well Situated for the Indian department in General Besides Many Salutory effects it would Rendr during the War by Awing our Enemies the Chickasaws and the English posts on the Mississippi."<sup>18</sup> In the spring of 1780, Clark set up the fort naming it Fort Jefferson, and succeeded in inducing a number of families of immigrants to take up land nearby. He hoped to bring out at least one hundred families "as they are always followed by two or three times their number of young men." Knowing the propensities of the Indians to exaggerate, he believed they would carry the report to the British that at least three times the actual number were there.<sup>19</sup> As Clark be-

<sup>15</sup> Butler, *History of Kentucky*, 87.

<sup>16</sup> James A. James, "George Rogers Clark and Detroit" in *Proceedings of Mississippi Valley Historical Association*, III, (1909-1910) 291-317.

<sup>17</sup> *Ibid.*

<sup>18</sup> James, *Clark Papers*, 365. Letter dated September 23.

<sup>19</sup> *Calendar of Virginia State Papers* (Richmond, 1875), edited by Wm. P. Palmer, I, 338, 339.

lieved, this would be an important link in the control of the trade of the West. It would be in particular a key to the commerce of the Illinois country. It would be also a most strategic point in securing the control of the Mississippi River and maintaining it against the British; and being in the Chickasaw country, would hold those Indians in check. It could also be made to serve as an important link in a chain of forts that was contemplated up and down the Mississippi, which would effectually extend American territory westward to that river.<sup>20</sup>

The British were now about to attempt to carry out a bold plan of conquest which they hoped would place the whole West in their control. A force was to proceed from Pensacola to take New Orleans; an expedition was to march from the north to seize St. Louis and join forces in New Orleans; and a third army was to form at Detroit to proceed against Clark at the Falls of the Ohio.<sup>21</sup> Clark at the urgent appeals of the Spaniards in St. Louis hastened there, where he succeeded in dispersing the British attackers. He then hurried back to Fort Jefferson in time to drive away a force of 1,000 or more Indians who had been besieging the small garrison there. But by this time rumors of the British expedition fitting out in Detroit had thrown the Kentucky settlements into a panic, and had led them to call for Clark. In March, 1780, the Boonesborough settlers sent Clark a petition in which they said, "The almost incredible number of Distressed and defenceless Families settled through our woods for the sake of sustenance instead of adding to our strength are in fact, so many allurments, and must become a daily sacrifice to the savage brutality of our inhuman enemies; who from their unavoidable success will be encouraged to reiterate their attempts and Render this Country a Mere scene of Carange and Desolation. \* \* \* Destitute of every other hope, the Inhabitants of this Country look to you for Protection."<sup>22</sup> A few days later the settlers around Bryant's Station wrote Clark of the ever-present Indian dangers surrounding them, how the savages were killing, burning, and pillaging. They promised every aid, if he would come to lead them against the Indians. "You, Sir, are therefore earnestly requested by us to take the Command, to appoint a place of rendezvous, and we on our part will not be backward to give you all the assistance the strength of this garrison can possibly spare."<sup>23</sup> Clark hurried with two companions from Fort Jefferson to Harrodsburg, intent on raising a force and taking the offensive, but before he was able to accomplish his purpose, the invaders had crossed the Ohio.

Captain Henry Bird had been placed in command of about one hundred and fifty Canadians and loyalists, by the authorities at Detroit, and ordered to collect as many Indian allies as possible for an invasion of Kentucky. He succeeded in gathering up about 700 Indians and well armed and carrying two field pieces crossed the Ohio in June and on the 22nd appeared before Ruddle's Station which he forced to surrender. He then marched against Martin's Station which likewise fell before his force. It seemed that Kentucky was now at his mercy; but well satisfied with his success and having a command made up chiefly of Indians, he decided to rest contented with his plunder and retire beyond the Ohio.<sup>24</sup>

Clark now hurried forward his preparations, determined to mobilize

<sup>20</sup> Collins, *History of Kentucky*, II, 39, 40; James, "George Rogers Clark and the Northwest" in *Annual Report of the American Historical Association*, 1917, 316, 317.

<sup>21</sup> Justin Winsor, *Narrative and Critical History of America*, VI, 742.

<sup>22</sup> James, *Clark Papers*, 398, 400.

<sup>23</sup> *Ibid.*, 401, 402.

<sup>24</sup> W. H. Siebert, "The Tory Proprietors of Kentucky Lands" in *Ohio Archaeological and Historical Quarterly*, XXVIII, No. 1 (January, 1919) 14-16; Marshall, *History of Kentucky*, I, 105-109; Collins, *History of Kentucky*, I, 254; II, 328, 329; Roosevelt, *Winning of the West*, II, 102, 103.

the whole power of the Kentucky settlements and invade the Indian country in force. On reaching Harrodsburg he had seen the people evidently more intent on securing land from the land court then in session there than in protecting themselves. He summarily ordered the court to close and not to reopen until he returned. He ordered a draft and stationed men at Crab Orchard with instructions to turn back any persons attempting to leave for the East. Ordering most of his garrison at Louisville to repair to the mouth of the Licking, which was made the place of rendezvous, he had soon gathered almost a thousand troops ready to march on the Indian country. Logan, Kenton, Harrod, Floyd, and other noted fighters accompanied him. Carrying a three pounder, they set out in July (1780) for Chillicothe, where they arrived after a difficult march, only to find the town deserted. Clark ordered the town burned, and marched on to Piqua, where a brisk engagement took place with the Indians there, under the command of the renegade, Simon Girty. Although Clark's forces lost seventeen men killed to about six on the Indians' side, they destroyed much property, and so completely subdued the spirit of the Indians that Kentucky was freed from invasion for the remainder of the year.

Clark had not yet given up his hope of leading an expedition against Detroit; and now in order to secure aid and support for this venture he went to Richmond to plead his cause. He was able to impress the Virginia authorities with the importance of the undertaking and the ease with which it might be carried out, if he were given sufficient support. Now for the first time was the West regarded as a unit in the handling of the military situation. Clark was made brigadier general of the forces "westward of the Ohio" and was given permission to raise 2000 troops with which to take Detroit. He enlisted the sympathy and aid of Washington, who promised him contributions from the continental supplies and agreed with him that the capture of Detroit "would be the only means of giving peace and security to the whole western frontier." But the country was so disorganized and used up for war purposes that Clark soon found it impossible to raise even a half of the troops necessary. By the first of October (1781) he had despaired of raising his force. He said, "I have lost the object that was one of the principal inducements to my fatigues and transactions for several years past—my chain appears to have run out. I find myself enclosed with few troops, in a trifling fort and shortly expect to bear the insults of those who have for several years been in continued dread of me."<sup>25</sup> From plans of aggression Clark now turned to measures of defense. He was ordered by Governor Harrison (of Virginia) to garrison the Falls of the Ohio, where Fort Nelson had just been completed, the mouth of Licking River, and the mouth of Limestone Creek. A gunboat patrol of two units for each garrison was to be established, which it was hoped would secure the Kentuckians from further molestation from the Indians north of the Ohio.<sup>26</sup> But this defense was not set up in time to prevent numerous Indian forays that marked the next few months. Among the most important and spectacular was the defense of McAfee's Station near Harrodsburg and the defeat of Estill near Mount Sterling. In the former engagement the Indians were finally beat off with considerable losses, while in the latter instance Captain James Estill and eight of his men were killed in a desperate hand-to-hand engagement with a band of twenty-five marauding Wyandots.<sup>27</sup>

<sup>25</sup> Quoted in James, "George Rogers Clark and Detroit" in *Proceedings of Mississippi Valley Historical Association*, III, 291-317.

<sup>26</sup> J. D. Monette, *History of the Discovery and Settlement of the Valley of the Mississippi* (New York, 1848), II, 123; James, "George Rogers Clark and the Northwest" in *Annual Report of the American Historical Association*, 1917, 321, 323.

<sup>27</sup> Roosevelt, *Winning of the West*, II, 119-124; Butler, *History Kentucky*, 515-517.

## CHAPTER XIII

### AFTER THE REVOLUTION—INDIAN TROUBLES—BATTLE OF BLUE LICKS

In the midst of this warfare in the West, which gave no signs of a speedy termination, news was received of the surrender of Cornwallis in October (1781) at Yorktown. It was only natural for many to feel that as the war was fast approaching an end in the East, hostilities should soon cease in the West and the people be given a chance to develop in the pursuits of peace. But such hopes were vain and delusive; for some of the most bitter strife was yet to come, and, in fact, the greatest battle of the Revolution in Kentucky was yet to be fought. That peace that came to the East was to be long deferred in the West.<sup>1</sup> Before news of Cornwallis' surrender had reached the British at Detroit, plans for a strong attack on Wheeling had been worked out and different commands were being concentrated, including eleven hundred Indians, the greatest number of redskins ever mustered throughout the Revolution. Word soon reached this force that Clark was preparing to attack the Indian villages, whereupon most of the Indians turned back and refused to go farther at this time on any expedition. However about 300 Indians and some rangers from Detroit, led by Captains Caldwell and McKee, decided to carry out an attack against the posts in Kentucky. They crossed the Ohio in August (1782) and directed their march toward Bryant's Station the most northern of the Kentucky outposts. They attempted to take the station by surprise, but failing in this, they began preparations for a systematic siege. On the appearance of the attackers, a few swift runners had escaped to carry the alarm to the other stations and to arouse an army of deliverance. After a determined night attack in which the Indians used unsuccessfully every method available to burn or storm the fort, they withdrew the next morning. They left a plainly marked trail, with every indication to the untrained eye of hurried retreat and confusion but to one trained in Indian ways plainly a ruse to lure the pursuers into a trap.<sup>2</sup>

Without waiting for the arrival of reinforcements who were gathering under Colonel Logan the garrison set out in pursuit. As they approached the Licking River at the Blue Licks a few of the retreating Indians were sighted, and contrary to the advice of Boone the more impetuous hot-heads resolved to attack at once rather than await the coming of Logan's forces. Impelled by the reckless bravery of Major McGary, who leaped into the river in pursuit, a general attack was made. The Indians retreated until they had lured the Kentuckians into an ambush where they soon had them surrounded. Amidst a terrific onslaught by the red skins, the whites broke away and made a dash for life. Soon everything was confusion and turmoil as they attempted to re-cross the river. Many were killed at this point. The Indians pursued some of the whites for twenty miles, before giving up the chase. The battle of Blue Licks

<sup>1</sup> See James A. James, "Significant Events during the Last Year of the Revolution in the West" in *Proceedings of the Mississippi Valley Historical Association*, 1912-1913, pp. 239-257.

<sup>2</sup> Reuben T. Durrett, *Bryant's Station* (Louisville, 1897), Filson Club Publication, No. 12, 227 pp.

was a most disastrous defeat for the Kentuckians, a melancholy blow which they were long in forgetting. Colonel Todd and Lieutenant-Colonel Trigg, the first and third in command, were killed, in addition to sixty-eight others. Seven were captured, four of whom were afterwards tortured to death, and twelve were seriously wounded. Some time later Logan came up with reinforcements, but the Indians had disappeared, and his forces now busied themselves in burying the dead.<sup>3</sup>

Genuine despair spread over the Kentucky settlements. It was feared that this success of the British and Indians would lead to renewed attacks which might destroy the people completely. Boone wrote Governor Harrison that he had encouraged the people as much as possible but the late turn of affairs left him little argument. He feared greatly for the future. In September another pioneer wrote the Virginia governor, "A few of the primitive adventurers yet survive, who supplicate your Excellencies Immediate Interposition in their behalf, in granting them such strength, as may enable them to carry on an offensive war, or at least Act in the Defensive with safety, for if some mode of preservation is not speedily adopted the wealthy will forthwith Emigrate to the Interior parts of the Settlements & the Poor to the Spaniards. Dreadful alternative!!!"<sup>4</sup> Clark was bitterly blamed by many for the desperate situation. Boone wrote Governor Harrison on August 30, "I trust about five hundred men may be sent to our assistance immediately. If these shall be stationed as our county lieutenants shall deem necessary, it may be the means of serving our part of the country; but if they are placed under the direction of General Clark, they will be of little or no service to our settlement."<sup>5</sup> The main charge against Clark was partiality to the settlements around the Falls of the Ohio. Boone and others from Fayette County after informing Governor Harrison that "We can scarcely behold a spot of Earth, but what reminds us of the fall of some fellow adventurer massacred by Savage hands," declared that the frontier was left exposed in favor of "Louisville, a Town without Inhabitants, a Fort situated in such a manner, that the Enemy coming with a design to Lay waste our Country, would scarcely come within one Hundred miles of it, & our own Frontiers open & unguarded."<sup>6</sup> Governor Harrison rebuked Clark for not fortifying other posts in addition to Fort Nelson (at Louisville). Clark laid the blame for the defeat at Blue Licks to the foolhardy course the settlers had taken in a reckless pursuit and to their failure to send out scouting parties.

Although blamed, as Clark believed unjustly, he immediately set about with his accustomed energy to put Kentucky in a state of defense and to carry the war into the Indian country. To satisfy the clamor for other forts, he attempted to fortify the mouth of the Licking River, but due to the lack of support of the county officials and of the people generally he was forced to abandon the plan. More to his liking as well as to the pleasure of the settlers was an expedition to the north of the Ohio. In conjunction with a plan for a general attack against the Indian towns around Sandusky and southward in which General Irvine was to march against the former with 1,200 men from the regions of Wheeling and Fort Pitt, Clark began hasty preparations during September and October (1782). He found the spirit of the people running high, with many clamoring to join his forces; but he found it difficult to gather together the proper provisions and equipment due to the low state of Virginia's credit. In response to the clamors of those whom the state owed, he said, "If I was

<sup>3</sup> Collins, *History of Kentucky*, II, 657-663; Roosevelt, *Winning of the West*, II, 197-207.

<sup>4</sup> *Virginia State Papers*, III, 303. Andrew Steele to Governor Harrison, September 12, 1782.

<sup>5</sup> Butler, *History of Kentucky*, 535.

<sup>6</sup> *Virginia State Papers*, III, 301, 302.



worth the money, I would most cheerfully pay it myself and trust the State, But can assure you with truth that I am entirely Reduced myself by advancing Everything I could Raise, and except what the State owes me am not worth a Spanish dollar. I wish it was in my power to follow your proposition to step forth and save my country from the disgrace that is like to fall on her."<sup>7</sup> He provided flour for his expedition by the exchange of 3,200 acres of his own land. By the early part of November he had collected two divisions of troops at the mouth of the Licking River, one composed of regulars from Fort Nelson commanded by Colonel Floyd the other from the eastern settlements in charge of Colonel Logan. In all there were 1,050, all mounted, and eager to avenge the disaster at Blue Licks. After a march of six days Chillicothe was reached, but due to the discovery of an advanced detachment of 300 sent forward under Colonel Floyd, the Indians made their escape before the whole army could give battle. Chillicothe and other villages of the Shawnees nearby were burned and much corn and other provisions destroyed. Logan with 150 horsemen marched on northward to the head of the Miami where he destroyed a British trading post with a large amount of supplies. According to Clark, "The property destroyed was of great amount, and the quantity of provisions burned surpassed all idea we had of Indian stores." Ten enemy scalps were taken and also seven prisoners, two whites being retaken. Clark lost one killed and one wounded.<sup>8</sup>

This was the final important engagement before peace was declared with Great Britain. It had a wholesome effect on the Indians which was not lost for many months; it taught them that the British were unable to protect them, and did much to wean them away from the British alliance for a time. However, Clark did not slacken his preparations for any eventuality. Finally when peace with Great Britain came he said to the county lieutenants of Jefferson and Lincoln counties: "All the brittish posts on the lakes are to be given up to us & garrisoned by Continental Troops, and hope that a spirited exertion of the Frontier this summer will put an end to their sufferings, that peace and tranquility will take place in your little Country when the long and spirited Exertions of the people so much entitle them to it. I don't think that any thing on the part of Government will be wanting, as they appear Axceedingly dispos'd to use the most salutary measures to answer the purpose of Reducing the Indians to Obedience. And the circumstances must be so widely different to what they formerly were that they will be able to execute what they please."<sup>9</sup> But that peace and tranquillity which Clark hoped for did not come. A treaty of peace between Great Britain and the American States meant nothing to the Indians, and with the subsequent machinations of the British in the Northwest least of all did it mean peace with the western settlers. In the words of a contemporary, the Indians "could not comprehend how they were subdued abroad by proxy, at the same time they were conquerors at home in fact."<sup>10</sup> Many campaigns were yet to be carried on against the Indians, and, in fact, their power was not broken completely until the end of the War of 1812, when Tecumseh and his Northwest Confederation were destroyed.<sup>11</sup>

<sup>7</sup> Quoted in James, "George Rogers Clark and the Northwest" in *Annual Report of the American Historical Association*, 1917, 326, 327.

<sup>8</sup> Butler, *History of Kentucky*, 536, 537. Clark to Governor Harrison, November 27, 1782.

<sup>9</sup> *Virginia State Papers*, III, 478.

<sup>10</sup> Words of William Littell in 1806. See *Proceedings of the American Historical Association*, V, 355.

<sup>11</sup> In 1786 Clark made a strong attack on the Indians up the Wabash, in which he led a thousand volunteers against the Shawnees. Due to numerous causes including the insubordination of some of his troops the expedition was largely a failure, and brought down much harsh criticism on him. See McMaster, *History of the People of the United States*, I, 385-388.

In the Battle of Blue Licks the Kentuckians suffered the most severe defeat sustained by them in all the warfare made by the British and the Indians. In concluding this chapter on the pioneer period a number of accounts of that battle are given. This first description is quoted from *Western Sketches*, by John A. McClung, who was a prominent lawyer at Maysville:

Col. Daniel Boone, accompanied by his youngest son, headed a strong party from Boonesborough, Trigg brought up the force from the neighborhood of Harrodsburg, John Todd commanded the militia around Lexington. Nearly a third of the whole number assembled was composed of commissioned officers, who hurried from a distance to the scene of hostilities, and for the time took their station in the ranks. Of those under the rank of colonel, the most conspicuous were Majors Harlan, McBride, McGary, and Levi Todd, and Captains Bulger and Gordon. Of the six last named officers, all fell in the subsequent battle, except Todd and McGary. Todd and Trigg, as senior colonels, took the command, although their authority seems to have been in a great measure nominal. That, however, was of less consequence, as a sense of common danger is often more binding than the strictest discipline.

A tumultuous consultation, in which every one seems to have had a voice, terminated in an unanimous resolution to pursue the enemy without delay. It was well known that General Logan had collected a strong force in Lincoln, and would join them at farthest in twenty-four hours. It was distinctly understood that the enemy was at least double, and, according to Girty's account, more than treble their own numbers. It was seen that their trail was broad and obvious, and that even some indications of a tardiness and willingness to be pursued, had been observed by their scouts, who had been sent out to reconnoiter, and from which it might reasonably be inferred that they would halt on the way, at least march so leisurely, as to permit them to wait for the aid of Logan! Yet so keen was the ardor of officer and soldier, that all these obvious reasons were overlooked, and in the afternoon of the 18th of August, the line of march was taken up, and the pursuit urged with that precipitate courage which has so often been fatal to Kentuckians. Most of the officers and many of the privates were mounted.

The Indians had followed the buffalo trace, and as if to render their trail still more evident, they had chopped many of the trees on each side of the road with their hatchets. These strong indications of tardiness, made some impression upon the cool and calculating mind of Boone; but it was too late to advise retreat. They encamped that night in the woods, and on the following day reached the fatal boundary of their pursuit. At the Lower Blue Licks, for the first time since the pursuit commenced, they came within view of an enemy. As the miscellaneous crowd of horse and foot reached the southern bank of Licking, they saw a number of Indians ascending the rocky ridge on the other side.

They halted upon the appearance of the Kentuckians, gazed at them for a few moments in silence, and then leisurely disappeared over the top of the hill. A halt immediately ensued. A dozen or twenty officers met in front of the ranks, and entered into consultation. The wild and lonely aspect of the country around them, their distance from any point of support, with the certainty of their being in the presence of a superior enemy, seems to have inspired a portion of seriousness, bordering upon awe. All eyes were now turned upon Boone, and Colonel Todd asked his opinion as to what should be done. The veteran woodsman, with his usual unmoved gravity, replied:

"That their situation was critical and delicate; that the force opposed to them was undoubtedly numerous and ready for battle, as might readily be seen from the leisurely retreat of the few Indians who had appeared

upon the crest of the hill; that he was well acquainted with the ground in the neighborhood of the Lick, and was apprehensive that an ambuscade was formed at the distance of a mile in advance, where two ravines, one upon each side of a ridge, ran in such a manner that a concealed enemy might assail them at once both in front and flank, before they were apprised of the danger.

"It would be proper, therefore, to do one of two things. Either to await the arrival of Logan, who was now undoubtedly on his march to join them, or if it was determined to attack without delay, that one half of their number should march up the river, which there bends in an elliptical form, cross at the rapids and fall upon the rear of the enemy, while the other division attacked in front. At any rate, he strongly urged the necessity of reconnoitering the ground carefully before the main body crossed the river."

Such was the counsel of Boone. And although no measure could have been much more disastrous than that which was adopted, yet it may be doubted if anything short of an immediate retreat upon Logan, could have saved this gallant body of men from the fate which they encountered. If they divided their force, the enemy, as in Estill's case, might have overwhelmed them in detail; if they remained where they were, without advancing, the enemy would certainly have attacked them, probably in the night, and with a certainty of success. They had committed a great error at first, in not waiting for Logan, and nothing short of a retreat, which would have been considered disgraceful, could now repair it.

Boone was heard in silence and with deep attention. Some wished to adopt the first plan; others preferred the second; and the discussion threatened to be drawn out to some length, when the boiling ardor of McGary, who could never endure the presence of an enemy without instant battle, stimulated him to an act, which had nearly proved destructive to his country. He suddenly interrupted the consultation with a loud whoop, resembling the war-cry of the Indians, spurred his horse into the stream, waved his hat over his head, and shouted aloud:—"Let all who are not cowards, follow me!" The words and the action together produced an electrical effect. The mounted men dashed tumultuously into the river, each striving to be foremost. The footmen were mingled with them in one rolling and irregular mass.

No order was given, and none observed. They struggled through a deep ford as well as they could, McGary still leading the van, closely followed by Majors Harlan and McBride. With the same rapidity they ascended the ridge, which, by tramping of buffalo foragers, had been stripped bare of all vegetation, with the exception of a few dwarfish cedars, and which was rendered still more desolate in appearance, by the multitude of rocks, blackened by the sun, which were spread over its surface. Upon reaching the top of the ridge, they followed the buffalo trace with the same precipitate ardor; Todd and Trigg in the rear; McGary, Harlan, McBride, and Boone in front. No scouts were sent in advance; none explored either flank; officers and soldiers seemed alike demented by the contagious example of a single man, and all struggled forward, horse and foot, as if to outstrip each other in the advance.

Suddenly, the van halted. They had reached the spot mentioned by Boone, where the two ravines head, on each side of the ridge. Here a body of Indians presented themselves, and attacked the van. McGary's party instantly returned the fire, but under great disadvantage. They were upon a bare and open ridge; the Indians in a bushy ravine. The center and rear, ignorant of the ground, hurried up to the assistance of the van, but were soon stopped by a terrible fire from the ravine which flanked them. They found themselves enclosed as if in the wings of

a net, destitute of proper shelter, while the enemy were in a great measure covered from their fire. Still, however, they maintained their ground. The action became warm and bloody. The parties gradually closed, the Indians emerged from the ravines, and the fire became mutually destructive. The officers suffered dreadfully. Todd and Trigg in the rear; Harlan, McBride, and young Boone, in front, were already killed.

The Indians gradually extended their line, to turn the right of the Kentuckians, and cut off their retreat. This was quickly perceived by the weight of the fire from that quarter, and the rear instantly fell back in disorder, and attempted to rush through their only opening to the river. The motion quickly communicated itself to the van, and a hurried retreat became general. The Indians instantly sprang forward in pursuit, and falling upon them with their tomahawks, made a cruel slaughter. From the battle ground to the river, the spectacle was terrible. The horsemen generally escaped, but the foot, particularly the van, which had advanced farthest within the wings of the net, were almost totally destroyed. Colonel Boone, after witnessing the death of his son and many of his dearest friends, found himself almost entirely surrounded at the very commencement of the retreat.

Several hundred Indians were between him and the ford, to which the great mass of the fugitives were bending their flight, and to which the attention of the savages was principally directed. Being intimately acquainted with the ground, he, together, with a few friends, dashed into the ravine which the Indians had occupied, but which most of them had now left to join in the pursuit. After sustaining one or two heavy fires, and baffling one or two small parties, who pursued him for a short distance, he crossed the river below the ford, by swimming, and entering the wood at a point where there was no pursuit, returned by a circuitous route to Bryan's Station. In the meantime, the great mass of the victors and vanquished crowded the bank of the ford.

The slaughter was great in the river. The ford was crowded with horsemen and footmen and Indians, all mingled together. Some were compelled to seek a passage above by swimming; some, who could not swim, were overtaken and killed at the edge of the water. A man by the name of Netherland, who had formerly been strongly suspected of cowardice, here displayed a coolness and presence of mind, equally noble and unexpected. Being finely mounted, he had outstripped the great mass of the fugitives, and crossed the river in safety. A dozen or twenty horsemen accompanied him, and having placed the river between them and the enemy, showed a disposition to continue their flight, without regard to the safety of their friends, who were on foot, and still struggling with the current.

Netherland instantly checked his horse, and in a loud voice, called upon his companions to halt, fire upon the Indians, and save those who were still in the stream. The party instantly obeyed; and facing about, poured a close and fatal discharge of rifles upon the foremost pursuers. The enemy instantly fell back from the opposite bank, and gave time for the harassed and miserable footmen to cross in safety. The check, however, was but momentary. Indians were seen crossing in great numbers above and below, and the flight again became general. Most of the footmen left the great buffalo track, and plunging into the thickets, escaped by a circuitous route to Bryan's Station.

But little loss was sustained after crossing the river, although the pursuit was urged keenly for twenty miles. From the battle ground to the ford, the loss was very heavy.<sup>12</sup>

Daniel Boone wrote the governor of Virginia a letter which may be considered a report of the battle and its immediate consequences:

<sup>12</sup> *Western Sketches*, John A. McClung, 1832, pp. 78-84.

"Boone's Station, Fayette County, August 30, 1782.

"Sir:—Present circumstances of affairs cause me to write to your Excellency as follows: On the 16th instant a large number of Indians, with some white men, attacked one of our frontier stations, known by the name of Bryan's station. The siege continued from about sunrise till about ten o'clock the next day, when they marched off.

"Notice being given to the neighboring stations, we immediately raised 181 horsemen, commanded by Col. John Todd—including some of the Lincoln county militia, commanded by Col. Trigg; and having pursued about forty miles, on the 19th inst. we discovered the enemy lying in wait for us. On this discovery we formed our columns into one single line, and marched up in their front within about forty yards before there was a gun fired. Col. Trigg commanded on the right, myself on the left, Maj. McGary in the center, and Maj. Harlan the advance party in the front.

"From the manner in which we had formed, it fell to my lot to bring on the attack. This was done with a very heavy fire on both sides, and extended back of the line to Col. Trigg; where the enemy was so strong that they rushed up and broke the right wing at the first fire. Thus the enemy got in our rear; and we were compelled to retreat with the loss of seventy-seven of our men and twelve wounded.

"Afterwards we were reinforced by Col. Logan, which made our force 460 men. We marched again to the battle-ground; but finding the enemy had gone, we proceeded to bury the dead. We found forty-three on the ground, and many lay about which we could not stay to find, hungry and weary as we were, and somewhat dubious that the enemy might not have gone off quite. By the sign we thought the Indians had exceeded four hundred; while the whole of the militia of this county does not amount to more than one hundred and thirty.

"From these facts your Excellency may form an idea of our situation. I know that your own circumstances are critical, but are we to be wholly forgotten? I hope not. I trust about five hundred men may be sent to our assistance immediately. If these shall be stationed as our county lieutenants shall deem necessary, it may be the means of saving our part of the country; but if they are placed under the direction of Gen. George Rogers Clark, they will be of little or no service to our settlement. The Falls lie one hundred miles west of us, and the Indians northeast; while our men are frequently called to protect them. I have encouraged the people in this county all that I could; but I can no longer justify them or myself to risk our lives here under such extraordinary hazards. The inhabitants of this county are very much alarmed at the thoughts of the Indians bringing another campaign into our country this fall. If this should be the case, it will break up these settlements. I hope, therefore, your Excellency will take the matter into your consideration, and send us some relief as quick as possible.

"These are my sentiments without consulting any person. Col. Logan will, I expect, immediately send you an express, by whom I humbly request your Excellency's answer. In the meanwhile I remain,

"DANIEL BOONE." <sup>13</sup>

May 25, 1840, Governor James T. Morehead delivered an address at Boonesborough in which he reviewed the history of Kentucky. Concerning the Battle of Blue Licks he said:

Before any judgment was pronounced by the council upon the expediency of the two alternative movements urged by Colonel Boone, all further proceedings were arrested by the indiscreet zeal of Maj. Hugh McGary, who "raised the war-whoop," and spurring his horse into the

<sup>13</sup> Collins, *History of Kentucky*, Vol. II, pp. 660, 661.

river, called vehemently upon all who were not cowards to follow *him*, and *he* would show them the enemy. Presently the army was in motion. The great part suffered themselves to be led by McGary—the remainder, perhaps a third of the whole number, lingered awhile with Todd and Boone in council. All at length passed over. At Boone's suggestion, the commanding officer ordered another halt. The pioneer then proposed, a second time, that the army should remain where it was, until an opportunity was afforded to reconnoiter the suspected region. So reasonable a proposal was acceded to; and two bold and experienced men were selected, to proceed from the lick along the buffalo trace to a point half a mile beyond the ravines, where the road branched off in different directions. They were instructed to examine the country with the utmost care on each side of the road, especially the spot where it passed between the ravines, and upon the first appearance of the enemy to repair in haste to the army. The spies discharged the dangerous and responsible task. They crossed over the ridge—proceeded to the place designated beyond it, and returned in safety without having made any discovery. No trace of the enemy was to be seen.

The little army of 182 men now marched forward—Colonel Trigg was in command of the right wing, Boone of the left, McGary in the center, and Major Harlan with the party in front. Such is Boone's account of the positions of the several officers. He does not define Colonel Todd's. The historians have assigned him to the right with Colonel Trigg. The better opinion seems to be that he commanded the center.

As they approached the ravines it became apparent that Boone's anticipations were well founded, and that the vigilance of the spies had been completely eluded. The enemy lay concealed in both ravines in great numbers. The columns marched up within forty yards of the Indian line before a gun was fired. The battle immediately commenced with great fury and most destructive effect on both sides. The advantage of position and overwhelming numbers soon determined it in favor of the savages. The fire was peculiarly severe upon the right. Colonel Trigg fell, and with him nearly the whole of the Harrodsburg troops. Boone manfully sustained himself on the left. Major Harlan defended the front until only three of his men remained. He also fell, covered with wounds. The Indians now rushed upon them with their tomahawks, spreading confusion and dismay through their broken and disabled ranks. The whole right, left, and center gave way, and a mingled and precipitate retreat commenced. Some regained their horses—others fled on foot. Colonel Todd was shot through the body, and when he was last seen, he was reeling in his saddle, while the blood gushed in profusion from his wound. The Indians were then in close pursuit.

There was but one convenient way of escape, and that was in the direction to the Lick, where the army had crossed the river. To that point, the larger number of fugitives hurried with tumultuous rapidity, down the naked slope of the hill. No sooner had they reached it, than the Indians were upon them. The scene of terror and of blood that ensued was dreadful. Many brave men perished on that fatal day. Of the 182 who went into the battle, one-third were killed and seven were made prisoners. The extent of the Indian loss is not certainly known. It is represented to have been equally severe.

Col. Daniel Boone, in his autobiography, is authority for the report—preserved in other way, also—that the Indians upon numbering their dead found four more than they counted of the whites killed on the field and in the retreat; “and, therefore, 4 of the prisoners [whose names are unknown] were, by general consent, ordered to be killed, in a most barbarous manner, by the young warriors in order to train them up to cruelty; and then they proceeded to their towns.”

After the fortune of the day was determined, and the only safety was in flight, the noble old pioneer who first counseled delay, and then a caution which proved unavailing because not faithfully followed, devoted himself with true fatherly solicitude to his wounded son Israel. He avoided the road taken by the mass of fugitives, and crossed the Licking at the mouth of Indian Creek, a mile or two below the Lick. But the wound of the young soldier was mortal; death soon claimed him; and the father, noting where his body lay that he might return and bury it, eluded the pursuit of the savages, and reached Bryan's station.

Of the seven prisoners, four were killed by the Indians, as above, and the other three—Jesse Yocum, Lewis Rose, and Capt. John McMurtry—were packed to the extent of their strength with the spoils of the day. With their captors, they were hurried next day across the Ohio River, at the mouth of Eagle Creek, seven miles below Limestone Creek (Maysville); thence passed Upper and Lower Sandusky, and the foot of the Miami rapids (afterwards Fort Meigs), to Detroit—where they arrived on September 4, and were delivered into the hands of the British. On the route, they were several times compelled to run the gauntlet, in Indian towns through which they passed. At one of them, Captain McMurtry was knocked down and fell senseless; the Indians jumped upon and stamped him, breaking several of his ribs. Jesse Yocum, by his skill in running close to the line of Indians, so avoided their clubs as to come out almost unhurt; and running up to a young Indian, by adroitness and great strength, picked him up and hurled him to the ground; then going up to another, all in a moment of time, he thrust his head between the Indian's legs and threw him over his head—and jumping up, knocked his feet rapidly together in a manner novel to the Indians, crowed like a cock, and rallied them for being a pack of cowards. This singular exhibition of dexterity and spirit delighted the Indians, and an old chief promptly claimed Yocum as his man. But the gauntlet failed to satisfy the savage craving for fiendish cruelty, and the prisoners were condemned to be burned. Just as they were tied to the stake, and the torch was already applied to the fagots piled around, a storm of remarkable violence burst over their heads. The flashes of lightning increased in vividness, and louder and deeper rolled the thunder. When the storm cloud broke, and the torrent from above extinguished the fires, the savages were struck with awe and reverence, and dared not re-light them. The Great Spirit had interfered to save them, and would not permit them thus to die. Thereafter they were treated with far more kindness and consideration.

On September 18, the prisoners were forwarded to Montreal, and rigorously confined for a month; thence to Mont du Luc island, and imprisoned until July, 1783—when they were exchanged and sent to Ticonderoga, reaching their homes near Harrodsburg, Ky., August 28. They were received almost as men from the dead. Captain Rose shot two Indians in the battle, the last when in the very act of scalping Capt. Wm. McBride; he was in the expedition with Gen. Ben. Logan against the Shawnees on the Miami in 1786, and in 1791 with Gen. Chas. Scott against the towns of the Wea Indians on the Wabash—in which thirty-two warriors were slain and fifty-eight prisoners taken; he died February 20, 1829, in his 80th year. Captain McMurtry was in several engagements afterwards, and fell in Harmar's defeat, in 1790. His name heads the list of the honored dead of Kentucky, engraved upon the Battle monument.

Of the sixty noble men who fell in the battle of Blue Licks, the following fifteen are all the names ascertained by the author: Col. John Todd, Lieut. Col. Stephen Trigg, Maj. Silas Harlan, Maj. Edward Bulger, Capt. Wm. McBride, Capt. John Gordon, John Bulger, Joseph Lindsay (the commissary of Gen. Geo. Rogers Clark, in several expeditions, conductor of the expedition which first took Vincennes, and one of the ablest and

most remarkable men of early Kentucky), Clough Overton, John Kennedy, (little) James Graham, Wm. Stewart, John Wilson, Israel Boone, Andrew McConnell.

Of the 109 who survived the battle, in addition to the three returned prisoners above, the author has ascertained only the following sixteen names: Col. Daniel Boone, Maj. Hugh McGary, Col. Robert Patterson, Col. John Smith, Maj. Geo. Michael Bedinger, Maj. Lavi Todd, Maj. Benj. Netherland, Capt. Samuel Johnson, Aaron Reynolds, Judge Twyman, Jas. McCullough, Benj. Hayden, Henry Wilson, Peter Harget, Jas. Morgan, Wm. Field. Thus thirty-four names out of 176 engaged, are preserved—of which 176, over one-fourth were commissioned officers.

Nicholas Hart and several others of the prisoners taken at the capture of Ruddle's and Martin's stations in now Harrison and Bourbon counties, on June 22, 1780—more than two years before—had been brought along with the Indians on this expedition; for what purpose is not known. They were the unwilling witnesses of the siege of Bryan's station, and of the terrible disaster at the Blue Licks—where many of their personal friends fought their last battle and slept their last sleep.<sup>14</sup>

The foregoing accounts of the battle of Blue Licks were based largely on what Marshall said of it in his *History of Kentucky*. His description of the battle is given. The testimony of some of the survivors was not available to Marshall, and there accumulated other evidence which he did not have, but his account of this disaster is worthy of preservation here, and is, therefore, set out:

Two years before, a similar army had surprised and taken Ruddle's station—Martin's shared the like fate—and that of Grant had been abandoned. Bryan's station was thence the frontier, on that quarter approaching nearest of the enemy. It consisted of about thirty, or forty, cabins; and from forty to fifty men. It had a bastion at either end, composed of strong logs, built in the block house form, with necessary loop holes. The cabins were ranged in two, or three rows parallel to each other; and connected by strong palisades, where they did not otherwise join. It had no supply of water within, but a very fine spring ran from the foot of the point, on which it stood, near to the bank of Elkhorn; at that place, but a small creek.

On the fifteenth of August, some few of the men, being absent, and others in the adjacent corn field; but the greater part of them, about the station; the Indians suddenly appeared before the place; and without any summons, commenced an attack with small arms. Fortunately, they had no cannon; and it was recollected that no station had been taken without. Their numbers were not known, as they were dispersed among the growing corn, or concealed by the fences and the weeds.

The fort gates were immediately manned, and kept, for the reception of those who were out, and should desire to enter: others of the garrison ran to the bastions and loop holes, from which they fired, and kept off the assailants. Some of the men, belonging to the fort, entered from without—others, thinking the attempt too hazardous, or else, that it was proper to alarm their neighbors, repaired to Lexington, and other places, with the news; and a call for help. To render this, the utmost alacrity was everywhere shown. Some volunteers from Lexington, with great speed and gallantry, threw themselves into the place that evening—the next day it was reinforced by detachments from Boone's and Strode's stations—ten or twelve miles distant. These parties rode through a lane, which led to the place besieged, and were fired on by the Indians, lying behind the fences, without injury.

In the meantime, the besieged had defended themselves with all the vigilance and intrepidity demanded by the importance of the crisis and

<sup>14</sup> Collins, *History of Kentucky*, Vol. II, pp. 661-663.



the ferocious nature of the enemy. The Johnsons, and Craigs, were in the number of the most reputable of the inhabitants—while Jacob Stucker, Jerry Craig, the Herndons, and Mitchells, were distinguished among its best soldiers, while each acted well his part.

The Indians had made their camps on both sides of the creek, then in wood, above the stations, and so near the spring, as to render it useless to the garrison, without incurring the most imminent danger in attempting to get the water, by day; or even, by night; notwithstanding which, it was, however, obtained. The place was closely infested for the two succeeding days—during which time the Indians kept up almost a constant fire, on the one side, or the other, from fences, trees, or stumps—whereby they killed four men, and wounded three others. They made several attempts to fire the cabins; and for that purpose, shot lighted arrows on the roofs—and even approached the walls with torches—but from these they were repulsed—nor had their ignited arrows the desired effect, owing, no doubt, to their imperfect skill in fire-works. Otherwise nothing could have been more easy than to have fired the place; as the height of their cabin walls did not exceed twelve feet, and the roofs of boards were fastened on with cross poles, which afforded lodgments for combustible matter, within hand's throw, of various parts, to which they could approach without being seen, or exposed to danger. They killed a great number of cattle, some of which they ate—and after killing some, they took away, other horses. But having exposed themselves considerably, in their various attempts—some of which were bold; and after suffering, as it was believed, the loss of about thirty warriors killed, and many others wounded; they raised the siege the morning of the fourth day. This experiment had proved that they were not likely to take the place, in any short time; while they could not apprehend that if they continued before it, the country would be raised in arms, and brought upon their backs; they, therefore, after remaining the third night, in their camp, about sunrise the next morning, left their fires burning, some bits of meat on their roasting sticks—and deliberately took the road, made by buffaloes, and hunters, to the lower Blue Licks; by the way of Ruddle's station—which two years before, as was mentioned, they had reduced—for the purpose, as it was surmised, of alleviating their present mortification; by viewing, in ruins, the scene of their former triumph. For it was neither the shortest, plainest, nor smoothest way to the licks.

That they could not expect, and did not desire to conceal their route, will appear in the sequel.

In the meantime, Col. John Todd, who resided in Lexington, despatched intelligence to Lieutenant Colonel Trigg, living at Harrodsburg, of the attack on Bryant Station; leaving it to the latter to give the intelligence to his superior, Col. Benjamin Logan. Neither Colonel Trigg, nor Colonel Boone, who had also been called on, lost any time in collecting the men in their respective neighborhoods—but with singular promptitude, on the 18th of the month; but after the Indians had left the ground, repaired to Bryant Station under the command of Todd, as the superior officer from Lexington, where they had rendezvoused their men, under their appropriate officers. The majors were McGary, and Harland, from near Harrodsburg; and Levi Todd, of Lexington.

The enemy having retreated, a council was held, in which it was promptly decided to pursue the Indians, without waiting for the arrival of Colonel Logan, who was known to be collecting a strong party—and to be expected on the ground in a few days—but when arrived, would, as the superior officer, have the command. A circumstance, which it was suspected, both Todd and Trigg, desired to avoid—thinking themselves equal to the command, and sanguine of success—as they were emulous of praise, and possessed an idea of mental superiority.

In consequence of the determination of the council, the march was immediately ordered, and forthwith commenced, under the command of Colonel Todd, and next to him, Colonel Trigg, on the route of the enemy, whose numbers, as yet, though considerable, were not known. They had not proceeded very far, before Boone, and some others, experienced in the manners of the Indians, discovered signs of ostentation, and of tardiness, on their trail; indicative of their willingness to be pursued; and calculated to point out their route; while apparent caution had been taken to conceal their numbers. The one was effected by chopping the trees on the way—the other, by treading in single file a narrow tract; contracting their camp, and using but few fires, where they stopped to eat. No Indian was seen, although it was apparent they were at no great distance in advance, until the pursuers reached the southern bank of Licking, at the licks. The van of the party then discovered a few of them on the opposite side of the river, traversing the hill side; and who, apparently without alarm, and leisurely, retired over the hill from their sight. A halt was called, the principal officers being assembled—the information then given—and the questions asked: "What shall be done? Whether, is it best, immediately to cross the river, and continue the march, or stand here, until the country round about can be reconnoitered by proper parties and measures ultimately taken according to circumstances—either by attack, if the enemy were near, or wait the arrival of Colonel Logan?"

Neither of the superior officers were much skilled in the manner, or custom of Indian warfare—they were however willing to be informed, and had actually called upon Colonel Boone for his opinion of the case, and how they should act. This he was detailing with his usual candor and circumspection by adverting to his own observations, on the different appearances on the road; and the fact of the Indians showing themselves on the next hill. As to the number of the enemy, his conjectures varied, from three, to five hundred; owing to the ambiguous nature of the *sign* they had made on the road. From the careless manner in which the Indians, who had been seen, conducted themselves, he was of the opinion that the main body was near, and prepared for action. He was particularly well acquainted with the situation of the ground about the licks; and the manner in which the river winds into an irregular ellipsis, embracing the great buffalo road and ridge, from the licks, towards Limestone, as its longest line of bisections; and which is terminated by two ravines heading near together, a mile from the licks; and extending in opposite directions to the river. He had suggested the probability of the Indians having here formed an ambuscade, the advantages to them, and the disadvantages to the party of Colonels Todd, and Trigg, should this conjecture be realized, and the march continued. He proposed that the party should divide; the one half march up Licking on the south side, to the mouth of a small creek, now called Elk creek, and there crossing over, proceed on the ridge to the outside of the ravines—while the other half should advance to the high ground on the north of the licks, and place itself in a situation to co-operate on the enemy, in case of attack. He showed that the whole advantage of position might be thus turned against the enemy. And he insisted, as the very least that should be done, if his superiors were determined not to wait for Colonel Logan, was to have the country explored, round about, before they marched the main body, over the river; for they were yet ignorant whether the Indians had crossed, or not—and in either event, if they were near, they meant to take advantage of the measure; which their superiority of number would render decisive. Already had Boone, nearly gained the entire approbation of his superiors, and of those who heard his counsel—for in fact, they only hesitated between his propositions—when Major McGary, ardent and impatient of delay, rushed his horse forward to the water's edge,

and raising the war whoop, next cried out with a loud voice, "Those who are not cowards follow me—I will show them where the Indians are"—spurred his horse into the river. One followed, and then another in quick succession; until a motion and agitation was communicated to the whole—the council was broken up—the officers, who might have been otherwise inclined, were forced along in the crowd and tumult—nothing had been concerted—no distinct orders were given; or if given, not observed—they crossed the river, and pursued the road, as the general guide kept by McGary, in front. On either side of which, parties flanked off, as the unevenness and irregularity of the ground would permit; all moving forward, with the utmost disorder, and precipitation over a surface covered with rocks, laid bare by the trampling of the buffalo, and the washing of the rains for ages past. When the van approached the ridge next within the ravines, which have been mentioned, to the left, an Indian, or two, were observed on it, at a distance; these appeared to retreat along the ridge, which led to the point between the ravine and river. One moment of cool reflection might have suggested the idea of decoy; and the next would have shown the propriety of caution. It appears, however, that the determination to find the enemy so engrossed the party that prudence was, like fear, completely excluded and banished. The party, therefore, pressed on, toward the end of the ridge where it was covered by a forest of oak trees of middling size, and the ravines with small saplings or brush wood; while the whole extent of the ellipsis had been stripped of all herbage, by the herds of buffalo, which were in the habit of resorting to the licks. Some scattering trees here and there appeared, on a pavement of rock, as rude as it was singular, throughout the whole extent of the field. Both Todd and Trigg had deviated from the main road; and probably with a view of taking their position on the right of the troops were far from the front, which moved rapidly, and rather obliquely, headed by McGary, Harland, and McBride; and followed by the rest, without regular order; the whole, with a few exceptions, being armed with rifles, and mounted on horses, formed a broken line corresponding with the ridge, and nearly parallel to the ravines; which were filled with Indians.

No sooner had McGary entered the forest, than he discovered the enemy waiting for him—here the action immediately began, and soon became warm, and bloody—on either side the rifle was pointed—on either side, the warrior fell. It was discovered that the ravines extending the whole length of the line of Kentuckians had concealed the savages, who fired and rushed upon their foes, not half their equal in point of numbers. Todd, and Trigg, who were on the right, when the line fronted the ravines, were thrown into the rear, when its flank was changed, and it moved to the left, where the battle began: Already had these fallen—already were the Indians turning the right, or rear, of this line—already had twenty, or more, of those brave men who first engaged breathed their last—already was the line everywhere assailed—when a retreat commenced, under the uplifted tomahawk. At the beginning of the battle, many of the men dismounted, while others did not; in the retreat, some recovered their horses—others fled on foot—over rocky field, already described, which was environed by high and rugged cliffs, on either hand, until it declined into a flat, as it approached the salt spring. The ford was narrow, and the water, though shallow on it, was deep, both above, and below. Some of the fugitives were overtaken on the way to the river, and fell beneath the stroke of the Indian spear, or hatchet—but at the water, was a greater havoc—some were slain in the water; some on either shore. Here it was that a singular phenomenon was exhibited—a man by the name of Netherland, well mounted, and among the foremost in the flight, having crossed the Licking and gained the farthest bank, think-

ing himself out of danger, checks his horse, takes a back view, sees the savages preparing to rush into the water, and there, to extinguish the remains of many lives, almost exhausted by wounds, and the fatigue of flight,—cries out, with a shrill, and commanding voice, to those who had made the shore next to him—"Halt: fire on the Indians, and protect the men in the river." The call had the desired effect, on ten, or a dozen—who immediately halt, fire on the enemy, and check their pursuit—probably, by so doing, as many lives were saved. This resistance, however, proves but momentary; the Indians gather rapidly on the shore—numbers of them are seen crossing the river—and personal safety suggests a speedy flight.

The fugitives were pursued for miles; nor did they find a place of safety short of Bryant's Station, thirty-six miles from the scene of action. Here, many of those on horseback arrived within six, and others on foot, within eight hours, after the battle.

At Bryant's, the survivors of this tragedy recount the exploits of their comrades and their own disasters. Here they tell that Captain Robert Patterson, exhausted in the retreat, and ready to yield himself to the scalping knife of the savage, just in his rear, is accosted by Reynolds, a soldier on horseback, who dismounts—assists Patterson, into his seat, and ensures his escape—while himself, now closely pressed, falls into the hands of three or four of the enemy—he seems alert, and they have not time to kill him—but they take his arms, and leave him in the custody of an Indian, who by this time had arrived, but seeming less expert than the captors, who continue the pursuit—sure of the pleasure of torturing one white man, when they should have more leisure. But the Indian, with the prisoner, continuing to move him, his moccasin came loose; and while he stooped down to tie it, Reynolds snatches his gun from him—knocks him down with its butt—and makes his own escape.

For this singular instance of real magnanimity, and essential service, Patterson, who had no prior claims on Reynolds, afterwards made him a present of 200 acres of land.

Never had Kentucky experienced so fatal a blow as that at the Blue Licks; of the 166 brave men, who repaired to the assistance of Bryant Station, one half, or more, were from Harrodsburg and its vicinity. These, fired by the generous spirit of their officers, turned out upon the first call, ready, not only to risk, but to sacrifice their lives, if necessary in the defence of their country; these were led directly into the front of the battle—of these, the greater number fell, before it was ended. Those from other places, equally brave, were little less unfortunate. The whole loss on the side of Kentucky was sixty killed and seven made prisoners. Of the wounded, but few escaped. The Indians, it was said, lost sixty-four, killed—besides a number wounded. Such were the reports from their towns, afterwards; and that they massacred four of their prisoners, to make the loss equal. The equal loss is doubted.

Greatly did the country feel and deplore the loss of Colonels Todd and Trigg; who, although they had not acquired the reputation of great Indian warriors, were men of intelligence, of personal worth, and of public usefulness. They were particularly qualified to counsel, enlighten and guide the people in their private and civil concerns, while the suavity of their manners and the urbanity of their minds rendered them easy of access; and always ready to assist those who wanted their information or advice. Their deaths were a real public calamity of more than common measure.

In this action the gallant Harland fell, nor was there an officer more brave or one more beloved in the field.

Colonel Boone here lost his second son and very narrowly escaped with his own life. To him the incidents of the day must have been ex-

tremely distressing and more than commonly vexatious. On the point, in the morning, of persuading his superiors and others to a course of proceeding which, if it had been adopted, would in all human probability have averted the fate of the day; or might have turned its disasters on the enemy, in the evening, he is exhausted with fatigue and anxiety, lamenting the death of a favorite son—looking on his country humbled by defeat, and knowing not the extent of its consequences. He was convinced the enemy was numerous—he apprehended they had taken no prisoners, and if so there was reason to expect they would return upon the settlements, in some quarter—and he knew they were crafty as enterprising—and brave as they were savage. Great indeed was the consternation on the north side of the Kentucky River.

In the midst of these disastrous events and gloomy reflections, there was yet one consolation: the party with Colonel Logan was considerable—in full march—and unbroken as undismayed. The van of Logan's command had passed Bryant Station on its way to the Blue Licks, when it was met by the fugitives from the field of recent battle, it then returned to Bryant—where the colonel halted on receipt of the intelligence, until the rear came up—which was one day—and then late in the evening resumed his march which was continued the greater part of the night—and again, at sunrise next morning, for the Licks—to engage the enemy if there and if not, to bury the dead. About noon, the *battle ground* was approached and the dead bodies seen strewed along the field. Some were mangled by savages—some by vultures—some by wild beasts; they were swollen and rendered quite yellow by the scorching rays of the sun, upon their naked skins. Each man who had lost a particular friend or relative sought for him, that if found he might receive the solemn rites of burial; if not found, that the hope of his being a prisoner and that he would return at some future day, might be indulged, to cheer the melancholy impression of the scene. But even this imperfect consolation was denied, for none knew the remains of his friend when found—so much were the visages of the dead disfigured. No Indian carcass was seen, nor was it known how the enemy had disposed of their killed—for no grave appeared nor many trails of blood.

The party with Logan, having performed the last solemn duties of the field and no *fresh sign* of the Indians being seen, it was marched back to Bryant and dismissed to the number of 450 men. A force which it is believed under the direction of Logan had it come up before the battle or been waited for by Colonel Todd and his party would have certainly been successful.

Such on the one hand is the effect of inconsiderate rashness, such on the other the ascendancy of prudence, over the affairs of men. In nothing is this observation so often in substance made more frequently illustrated than in war and battle. What indeed is fate but the work of men's own hands hanging on means of their own choosing? <sup>15</sup>

<sup>15</sup> Marshall, *History of Kentucky*, Vol. I, pp. 134-143.

## CHAPTER XIV

### STATIONS AND EARLY SETTLEMENTS IN KENTUCKY

ADAMS' (Geo.) STATION, in Garrard County.

ARMSTRONG'S STATION, on the Indiana shore, in Clark County, Indiana, at the mouth of Bull Creek, opposite Grassy Flats, and 18-mile Island bar, in the Ohio River, 18 miles above Louisville. A blockhouse was built here by Col. John Armstrong, in 1795 or 1796, to prevent the Indians from crossing the river here, where it was fordable, to steal horses from Kentucky.<sup>1</sup>

ARNOLD'S (John) STATION, on Little Benson Creek, 7 miles above Frankfort; 1783.

ARLINGTON'S STATION, in Southern Kentucky; 1788.

ASHTON'S STATION; mentioned in Boone's Autobiography, May, 1782; same as Estill's.

A 'STURGUS' STATION (1783), on Harrod's trace, in Jefferson County.

BAILEY'S STATION, in Mason County, 2½ miles south of Maysville, and 1 mile from Washington; settled in 1791.

BALLARD'S (Bland) STATION, in Shelby County; usually called Tyler's.

BARDSTOWN, in Nelson County, established 1788; called Bairdstown.

BARNETT'S STATION, 2 miles from Hartford, Ohio County; settled by Col. Joseph Barnett, before 1790.

BELL'S STATION, in Madison County. (See p. 521, Vol. II, Collins.)

BLACK'S STATION, before December, 1794; in Fayette County, on waters of Clear Creek.

BLOCKHOUSE on Big Sandy River, in Johnson County, at mouth of John's Creek. This was Harman's Station.

BLUE LICKS, Lower. (See Lower Blue Licks.)

BLUE LICKS, Upper. In Nicholas County, on the Licking River. The Upper Lick is on the south side of the river and the Lower Lick on the north bank, or the east bank, as the river there flows north for some distance. In a direct line it is some eight miles from one lick to the other, and by the course of the river some fifteen miles or more. They were discovered in July, 1773, by Major John Finley, and others from the Monongahela, in Pennsylvania. The land on which is the Upper Lick was surveyed July 26, 1773. The Lower Lick was discovered some days later by some surveyors of the party, when the terms "upper" and "lower" were applied to distinguish them.

These licks were not fortified. Stations were not established there. But the pioneers went to these springs to make salt. Daniel Boone went with a party of thirty men to the Lower Blue Lick to make salt, January 1, 1778. On February 7, while out hunting he was captured by the Indians. He induced all but three of his party to surrender—the three having been sent home with salt.

On the 19th of August, 1782, the battle of the Lower Blue Lick was fought. The Kentuckians sustained their most severe defeat in that battle.

BOILING SPRING, in Mercer County, near or in Harrodsburg; in 1775; one of the four "settlements" which were represented in the Transylvania legislative body at Boonesboro.

<sup>1</sup> Dillon's *History of Indiana* says this was a small settlement made in 1795. *History of Indiana* by Goodrich and Tuttle says the settlement was made in 1796. Collins had the date between 1785 and 1790. These dates were changed to "1795 or 1796" to conform to the facts.

**BOONE'S CAVE.** On Shawnee Creek, in Mercer County. Daniel Boone spent the winter of 1769-70 in this cave. In 1876 an elm tree standing near this cave still bore his name.

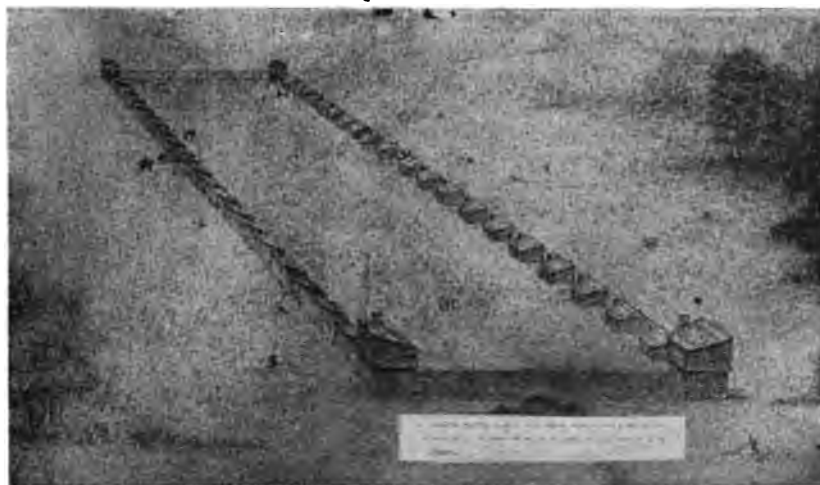
**BOONE'S (George) STATION,**  $2\frac{1}{2}$  miles northwest of Richmond. (See p. 521, Vol. II, Collins.)

**BOONE'S STATION;** same as Boonesboro.

**BOONE'S STATION,** on Boone's Creek, in Fayette County, about 10 miles southeast of Lexington and 5 miles northwest from Boonesboro; settled by and named after Daniel Boone about 1783 or '84. Boone lived there until he removed to Maysville, before February 3, 1786.

**BOONE'S (Squire) STATION;** called Squire Boone's Station, which see.

**BOONESBOROUGH.** 1775. Was in what is now Madison County. Its site is on the south bank of the Kentucky River, which there flows between Madison and Clark counties. It is some two miles from the Town of Ford, in Clark County, and a mile and a quarter below the mouth of Otter Creek, which runs north through Madison County. It is twelve miles from Richmond, and nine miles from Winchester.



BLOCK HOUSE OF BRYANT'S STATION

Drawn by Miss Jean H. McHenry from a ground plan found among the papers of Gen. George Rogers Clark and now owned by R. I. Durrett

It is about twenty miles from Lexington. It was an extensive fort, and was erected by Col. Richard Henderson, of North Carolina. He began its construction April 22, 1775, and completed it about the middle of June. Daniel Boone had erected a small fort near-by, having commenced it April 1, but it never was completed. Colonel Henderson named his fort Boonesborough for Daniel Boone, then in his service, and who had opened a road through Cumberland Gap and by Cumberland Ford to the site of Boonesborough, the seat of the government of Transylvania, set up by Henderson and his associates. It did not become a permanent settlement.

**BOSLEY'S STATION,**  $\frac{3}{4}$  of a mile above the main fork of Wells' Creek near Washington, Mason County; before 1793.

**BOWMAN'S STATION,** 6 miles east of Harrodsburg; settled in 1779 by 30 families under Col. Abram Bowman. Colonel Bowman soon after removed to Fayette County.

**BRASHEARS' STATION,** at mouth of Floyd's Fork, in Bullitt County, 1779.

**BRYANT STATION,** in Fayette County, about 5 miles northeast of Lexington, on the southern bank of the north fork of Elkhorn; settled by the Bryans in 1779, but a cabin had been built by Joseph Bryan, a son-in-law of Col. Daniel Boone, in 1776.

**BUCHANAN'S STATION,** 1 mile west of Germantown, Bracken County, where Geo. Humlong recently lived (1874).

**BULLITT'S LICK**, on north side Salt River, 3 miles from Salt River and same distance from Shepherdsville, in Bullitt County; discovered by Capt. Thos. Bullitt in 1773; the only place where salt was made about the Falls in 1780-1, according to Bland Ballard's deposition.

**BURNT STATION**, on or near Simpson's Creek, in Nelson County.

**BUSH'S (Wm.) STATION** or Settlement, in Clark County, near Boonesborough.

**BYNE'S STATION**, settled by Edmund Byne, on North Fork, in Mason County.

**CAMP KNOX**, in east part of Green County, where, in June, 1770, Col. Jas. Knox, with 22 men (called the "Long Hunters") with 4 pack-horses, encamped.

**CAMPBELL'S STATION**, on the Dry Ridge, in now Grant County, 3 miles north of Williamstown, and 33 miles from the mouth of Licking; settled some time before 1792.

**CANE RUN**, a Presbyterian meeting-house in 1784, in (then) Lincoln County.



SETTLEMENT ON CORN ISLAND, OPPOSITE LOUISVILLE  
(From an Original Plan in Gen. Clark's Book of Surveys, Dated May 27, 1778)

**CARPENTER'S STATION**, in the knobs of Green River, about 2 miles west of Hustonville in Lincoln County; about 1780.

**CARTWRIGHT'S STATION**; settled in 1779.

**CASEY'S (Col. Wm.) STATION**, in Lincoln County, 3 miles west of Stanford, and 7 miles east of Danville, on Hanging Fork of Dick's River.

**CASSIDY'S STATION**, in Mason County; settled by Michael Cassidy.

**CLARK'S STATION**, on Clark's Run, a branch of Dick's River; settled by Geo. Clark before November, 1779.

**CLARK'S STATION**, in Mason County; settled in 1785.

**CLARKSVILLE**, in Indiana, opposite Louisville, laid out by Gen. Geo. Rogers Clark.

**CLEAR'S STATION**, in Bullitt County.

**COLLINS' STATION**, on Rockcastle River.

**COOPER'S STATION**, on Cooper's Run, in Bourbon County, 2 miles from Kiser's.

**CORN ISLAND**, in Ohio River, opposite Louisville—where Gen. Geo. Rogers Clark built a fort in June, 1778, and raised several crops of corn; had several acres of rich land; now (1874) all washed away.

**COX'S STATION**, in Nelson County, near Kincheloe's Station.



- CRAB ORCHARD, in Lincoln County, 12 miles from Lancaster, and 10 miles from Stanford, on the old pioneer road to Cumberland Gap.
- CRAIG'S STATION, on Gilbert's Creek, a few miles east of Lancaster, Garrard County; settled by Rev. Lewis Craig, in 1780.
- CRAIG'S STATION (another) in Lincoln County, 2 miles east of Danville.
- CREW'S (David) STATION, in Madison County, 1781. (See p. 521, Vol. II, Collins.)
- CROW'S STATION, in *then* Lincoln County, near Danville; settled by John Crow, before May, 1782.
- CURTIS' STATION, in Mason County. (See p. 555, Vol. II, Collins.)
- DANVILLE, in Boyle County; laid off as a town by Walker Daniel, 1781.
- DAVIESS' (James) STATION, about 5 miles west of Whitley's.
- DAVIS' STATION, in southern Kentucky, probably in Logan or Warren County.
- DOUGHERTY'S STATION, in Boyle County, on Clark's Run, 1½ miles below Danville.
- DOVER STATION, in Garrard County, on waters of Dick's River.
- DOWDALL'S STATION, on Salt River; before 1784.
- DOWNING'S STATION, east of and near Dick's River, not far from Danville.
- DRENNON'S LICK, in Henry County, near Kentucky River.
- DUTCH STATION, in Jefferson County, on Middle Fork of Beargrass Creek; 1779 or 1780.
- ELK FORK OF RED RIVER, in Logan County; several settlements on, 1785.
- ELIJAH CRAIG'S STATION, 5 miles from Versailles; 1783.
- ELLIS' STATION, at Ellisville, Nicholas County.
- ENGLISH'S STATION, on south bank of Dick's River, in Lincoln County, 3 miles east of Crab Orchard.
- ESTILL'S STATION, on Muddy Creek, 3 miles south of Richmond, in Madison County; settled by Capt. James Estill, before 1781.
- ESTILL'S NEW STATION, 5 miles southeast of Richmond. (See p. 521, Vol. II, Collins.)
- FALLS OF THE OHIO. The first fort was built on Corn Island, opposite Louisville, in June, 1778; in the fall of 1778, or spring of 1779, a rude stockade was raised near a ravine where, in 1838, Twelfth Street in Louisville terminated at the Ohio River.
- FEAGANS' STATIONS, in Mason County, 1½ or 2 miles east of Germantown.
- FIELDS' (Wm.) STATION, 1⅓ miles west of Danville.
- FINN'S STATION, in Jefferson or Spencer County; settled before 1780.
- FINNEY, Fort—original name of Fort where lower end of Jeffersonville, Indiana, now stands, at the Falls of the Ohio.
- FISHER'S (Stephen) GARRISON, not far from Danville.
- FLEMING'S (Col. John) STATION, in Fleming County; 1790.
- FLORER'S STATION, on the "middle trace" from Maysville to Lexington, 1792.
- FLOYD'S STATION, first at the mouth of Beargrass, in Louisville, corner Third Street and Murrell Court, near Ohio River, 1779.
- FLOYD'S STATION, on the Middle Fork of Beargrass Creek, 6 miles from the Falls of the Ohio; settled by Col. John Floyd, in 1779.
- FLOYD'S FORK STATION, in Oldham County, near Pewee Valley, 18 miles east of Louisville.
- FORKS OF DICK'S RIVER, a Presbyterian preaching place in 1784, in *now* Lincoln County.
- FORKS OF ELKHORN SETTLEMENT, in Scott County.
- FONTAINBLEAU, about 3 miles below Harrodsburg, on the bank of Salt River; a mill was built here at a very early day.
- FOX'S (Arthur) STATION; same as Washington.
- GARRARD'S STATION, in Hamilton County, Ohio, on Little Miami; April, 1796.

GEORGETOWN, in Scott County, formerly McClelland's Fort (which see).  
GILMER'S LICK, 7 miles from Whitely's Station, in Lincoln County.

GILMORE'S STATION, 12 miles east of Mount Sterling, Montgomery County.

GIVENS' (Samuel) STATION,  $1\frac{1}{4}$  miles southwest of Danville, on a branch of Clark's Run; settled before February, 1780; afterwards called John Reed's Station.

GLOVER'S STATION, on Green River, where Greensburg now stands; 1780.

GOAR'S STATION, in Franklin County, on north side of Elkhorn Creek,

GOODWIN'S STATION, on the Rolling Fork; 1780.

GORDON'S STATION; 1779; in Mercer County.

GRANT'S LICK, in Campbell County, 5 miles from Alexandria, on road to Falmouth; salt made there before 1800.

GRANT'S STATION, settled by Col. John Grant, in 1779, who abandoned it in 1780, and moved back to N. Carolina, returned and re-settled it in 1784—within 5 miles northeast of Bryant Station, near where Lowe's is, on Kentucky Central Railroad, near Fayette and Bourbon Line.

GREAT CROSSINGS STATION, in Scott County, about 2 miles west of Georgetown; same as Colonel Johnston's.

GRUBB'S STATION, settled by Capt. Higgason Grubbs, on Muddy Creek, Madison County, before October, 1792.

HAGGIN'S STATION. See Trigg's Station.

HARBESON'S STATION, probably in east part of Washington County, on road from Harrodsburg to Bardstown.

HARDINSBURG, County seat of Breckinridge County, originally a station erected by Captain Hardin; laid out as a town in 1782.

HARDIN'S STATION, same as Hardinsburg above.

HARLAN'S STATION, on Salt River, in Mercer County, 7 miles southeast from Harrodsburg and 3 miles southwest of Danville; built by Major Silas Harlan, in 1778.

HARMAN'S STATION, founded by Matthias Harman, in 1787, at the mouth of John's Creek on the Big Sandy River in what is now Johnson County.

HARRISON'S STATION, 2 miles from Higgins' Fort, about 3 miles from Cynthiana, in Harrison County; before 1786.

HARROD'S STATION, 6 miles east of Harrodsburg, in Mercer County, on the present road to Danville, settled by Col. James Harrod.

HARROD'S TOWN, or Harrodsburg Station, where Harrodsburg now stands in Mercer County; settled by James Harrod, in 1774. The Fort—located on the hill which, in 1834, was occupied by the Seminary Building, and which included a considerable spring of water at its foot—was begun during the winter of 1775-6, but not finished until the ensuing season. Lands in this region surveyed by the McAfee Company from Botetourt County, Va., in 1773. James Harrod, with thirty-one men came down the Ohio from the Monongahela Country of Pennsylvania in May, 1774. Landed at Limestone (now Maysville) and went into the interior. His principal camp was made some three hundred feet below the great spring, afterwards known as the Town Spring, under an elm tree which was standing in 1876. He laid out the town. Each settler was to have a lot containing half an acre, and an out-lot of five acres. Town named Harrodstown. Later it was called Oldtown, from having been the first in the State. When it became a growing settlement, it was named Harrodsburg.

HART'S, or WHITE OAK SPRING STATION, 1 mile above Boonesboro, in same Kentucky River bottom, in Madison County; settled in 1779, by Nathaniel Hart, and some families from Pennsylvania.

HARTFORD STATION, where Hartford, Ohio County, is; before 1790.

HAZEL PATCH, on the Cumberland Gap Road, in Laurel County.

- HELM'S, HAYCRAFT'S and HYNES' STATIONS. Settled by Capt. Thos. Helm, in 1780, on the spot now occupied by the late Gov. John L. Helm's residence; the 2d, named after Samuel Haycraft, was on the hill above the cave spring; while Hynes', settled by Col. Andrew Hynes, occupied the other angle of a triangle where Elizabethtown now stands; they were one mile apart.
- HIGGINS' BLOCKHOUSE, on bank of Licking,  $1\frac{1}{2}$  miles above Cynthiana, Harrison County, opposite mouth of Sellers' Run; before 1786.
- HINKSTON'S STATION, in Harrison County, on South Licking,  $1\frac{1}{2}$  miles above Higgins' Blockhouse, and a short distance below Hinkston Creek; was first settled by Isaac Ruddle and others, and called Ruddle's Station until "taken by the Indian" in 1780; when re-settled, afterwards, it was oftenest called Hinkston's after John Hinkston, the most prominent of the re-settlers.
- HOBSON'S CHOICE, the camping ground of General Wayne, in 1793, on the Ohio River, below (now *in*) the City of Cincinnati—the very spot now occupied by the gas works, but reaching above and below that.
- HOGALAND'S STATION, in Jefferson County, on Beargrass; 1780, probably; but exact date unknown.
- HOLDER'S (John) STATION, on Kentucky River, 2 miles below Boonesborough.
- HOOD'S STATION, in Clark County; before 1792.
- HOY'S STATION, in Madison County.
- HUSTON'S STATION, 1776, the present site of Paris, Bourbon County.
- IRISH STATION, in Nicholas County, 5 or 6 miles south of Lower Blue Lick, on road to Millersburg.
- IRVINE'S STATION, near where Richmond now stands, in Madison County; established by Col. Wm. Irvine and his brother, Capt. Christopher Irvine, in 1778 or 1779.
- JEFFERSON FORT, in Ballard County, on the Mississippi River, about 5 miles below the mouth of the Ohio; established by Gen. George Rogers Clark, within the Chickasaw country in 1780; abandoned or evacuated in the spring of 1781, because it afforded no security to the Western settlements.
- JOHNSON'S (Col. Robert) STATION, at the Great Buffalo Crossings on North Elkhorn, in Scott County; settled in winter of 1783-84.
- KELLAR'S STATION, in Jefferson County; on Beargrass Creek; before 1780, probably, but exact date not known.
- KENTON'S STATION, 3 miles south of Limestone, now Maysville, and 1 mile north of Washington, in Mason County; settled by Simon Kenton, in 1784.
- KENTON'S (John) STATION, half mile southeast of Washington, Mason County.
- KENTON'S (Simon) STATION; several blockhouses built by Simon Kenton, who brought to them from Pennsylvania his father's family, and remained with them until July, 1784.
- KENNEDY'S STATION, in Garrard County, between Paint Lick Creek and Dick's River.
- KILGORE'S STATION, in 1782, north of Cumberland River, on south side of Red River; attacked by Indians, same year, and broken up. Probably in southern part of Logan County near state line or may be *in* Tennessee.
- KINCHELOE'S STATION, on Simpson's Creek, in Spencer County.
- KNOB LICK, in Lincoln County, 5 miles south of Danville; settled in 1776, by Isaac Shelby.
- KUYKENDAHL'S (Moses) STATION (1782), in Jefferson County, on waters of Harrod's Creek.
- LEACH'S STATION, in Bracken County.

- LEE'S STATION**, in Mason County, between Maysville and Washington; settled by Gen. Henry Lee, in 1785, and still (1874) the home of his descendants.
- LEESTOWN**, on east bank of Kentucky River, 1 mile below Frankfort—settled in 1776, by Hancock Lee, Cyrus McCracken (father of Capt. Virgil McCracken, after whom McCracken County was named) and others—who raised cabins there.
- LEITCH'S STATION**, about 6 miles above the mouth of Licking, on the east bank, in now Campbell County; settled in 1790 by Maj. David Leitch (after whom Leitchfield, Grayson County, was named).
- LEWIS' STATION**, re-settled by Geo. Lewis in 1789, formerly called Geo. Clark's Station—where Lewisburg now is, in Lewis County, 9 miles from Maysville.
- LEXINGTON**, on the Town Fork of Elkhorn, in Fayette County; settled by Col. Robert Patterson, April 1, 1779.
- LIBERTY FORT**, on Salt River in Mercer County,  $\frac{3}{4}$  mile below McAfee's Station.
- LICKING STATION**, in Harrison County, probably near Lair's or may be nearer to Cynthiana.
- LICKING STATION**, on the Licking River, one mile below the town of Salyersville, in what is now Magoffin County. Now known as Gardner's Hill. Built about 1796 by Archibald Prather, Ebenezer Hanna and others, from South Carolina.
- LIMESTONE**. (See Maysville.)
- LINN'S STATION**, on Middle Fork of Beargrass, in Jefferson County, about 10 miles from Louisville; before 1780.
- LITTELL'S STATION**, in Pendleton County, on Fork Lick, a west branch of South Licking, into which it empties just below Callensville (or Morgan's, on Kentucky Central Railroad).
- LITTELL'S STATION**, now the site of Williamstown, Grant County; settled before 1792.
- THE LITTLE FORT**; same as Twetty's; 1775.
- LINDSAY'S STATION**, in Scott County, near Lecompt's Run.
- LOCUST THICKET FORT**, in Madison County; before 1780.
- LOGAN'S FORT**, same as St. Asaph; 1 mile west of Stanford, in Lincoln County; settled by Col. Benj. Logan, in 1775.
- LOUISVILLE**, at the Falls of the Ohio, in Jefferson County; laid off as a town by Capt. Thos. Bullitt, in August, 1773; the first settlement was on Corn Island, near the Kentucky shore, in the spring of 1778; in the fall of that year, a blockhouse was built on the main shore, and in 1782 a larger fort called Fort Nelson.
- LOUDON'S STATION**, 30 miles from mouth of Kentucky River, probably in Henry County.
- LYNCH'S STATION**, near Shelbyville; same as Squire Boone's.
- LOWER BLUE LICKS**, in Nicholas County, in sight of where the Maysville and Lexington turnpike crosses Licking River; discovered in 1773. (See Blue Licks.)
- JAMES MCFEE'S STATION**, on the bank of Salt River, 6 or 7 miles below Harrodsburg, and northwest from it; first cabin built in 1774, and more settlers came in 1775.
- McAFEE'S STATION**, in Mercer County, 6 or 7 miles from Harrodsburg, on Salt River, and about  $\frac{1}{4}$  of a mile above Providence Church; settled by the McAfee brothers, in 1779.
- WILLIAM MCAFEE'S STATION**, on Shawnee Run, about 1 mile west from Harrodsburg, at the mouth of the Town Branch.
- MANCHESTER**, or Massie's STATION, 12 miles above Maysville, on the north bank of the Ohio River.
- MANN'S LICK**, a salt station before 1786, on south side of and close to Salt River, in Bullitt County, a few miles from Shepherdsville.

- MARBLE CREEK STATION, 7 miles from Boonesborough.
- MARTIN'S STATION, established by John Martin (who built a cabin in 1775), 5 miles from Ruddle's Station, on Stoner, about 3 miles below Paris in Bourbon County, settled in 1779.
- MASTERSON'S (James) STATION, 5 miles northwest of Lexington. The first Methodist Episcopal Church building in Kentucky was erected here—a plain log structure—in 1790, or earlier; and in 1871 was still standing.
- MAULDING'S STATION, established in 1780, on Red River, in Logan County.
- MAY'S LICK SETTLEMENT, at Mayslick, Mason County, east of Washington.
- MAYSVILLE, on the Ohio River at the mouth of Limestone Creek, in Mason County; settled in 1784; blockhouse built by Edward Waller, John Waller and George Lewis, of Virginia.
- MCCLELLAND'S FORT or STATION, where Georgetown now stands, in Scott County, settled, in 1776, by John, Alex, and Wm. McClelland, and their (families) and other families from Hinckston's Station and Drennon's Lick.
- MCCONNELL'S STATION, settled by Wm. McConnell in 1783 or earlier, at the royal spring near (now in) Lexington; was not so fortified as to be regarded as a regular station, and was soon merged in Lexington.
- MCCORMICK'S STATION, on top of first ridge north or northwest of Knobb Lick Fork of Hanging Fork of Dick's River.
- McFADDEN'S STATION, 4 miles above Bowling Green, on Big Barren River, in Warren County; settled by Andrew McFadden, in 1785.
- MCGARY'S (Maj. Hugh) STATION, in Mercer County, at the head spring on Shawnee Run, 5 miles northeast from Harrodsburg.
- McGEE'S STATION, or Cove Spring, on Cooper's Run, in southeast part of Fayette County, on or near Tate's Creek, road from Lexington to Richmond; sometimes called "Old Station;" settled before 1780.
- MCGUIRE'S STATION, same as McGee's; so called, sometimes, because James McGuire was prominent there in 1780.
- MCKINLEY'S BLOCK HOUSE, on the old buffalo trace south of Washington, Mason County, where David Hunter lived in 1873; built by Jas. McKinley in 1785.
- MCKINNEY'S STATION, settled by Archibald McKinney before 1792; in Lincoln County, on McKinney's Branch, of Hanging Fork, about 2 miles from Green River, 9 miles southwest from Stanford and about 4 miles northeast of Hustonville.
- McMILLIN'S FORT, in Bourbon or Harrison County; 1779.
- MEAUX'S STATION, probably in Boyle or Mercer County; 1789.
- MEEK'S STATION, on the waters of Drennon's Lick, 20 miles from the Ohio River at the mouth of 18 Miles Creek.
- MEFFORD'S (Geo.) STATION, 2½ miles south of Maysville, Mason County; 1787.
- MIDDLE STATION, in Jefferson County; before 1787. Doubt as to exact date and location.
- MILLER'S STATION, settled in 1784 by John Miller, about 1 mile from Hinkston Creek towards Blue Licks, and 1 mile northeast of Millersburg.
- MILLS' STATION, supposed to be in Greenup, or Lewis County; Wm. Thompson, of White Oak, Greenup County, who died May 7, 1868, aged 77, settled there in 1790, with his father.
- MONTGOMERY'S STATION, in Lincoln County, on the headwaters of Green River, 12 miles southwest from Logan's Fort, 2½ miles from Pettit's Station; settled by Wm. Montgomery (the father-in-law of General Logan) and sons, in 1780.

MORGAN'S STATION, on Slate Creek, 7 miles east of Mount Sterling, in what is now Bath County; settled before 1793.

MUD GARRISON, where Shepherdsville now stands, in Bullitt County, midway between Bullitt's Lick and the Falls of Salt River; settled in, or before, 1778.

MUDDY RIVER LICKS, north of Russellville, in Logan and Butler counties; settlements between 1780 and 1784.

NELSON, FORT, in Louisville, corner Seventh Street and Ohio River.

NEW HOLLAND, in Jefferson County; before 1784. Some doubt as to both date and location.

NONSENSE, FORT, in Bullitt County.

OLD TOWN, a name by which Harrodsburg was known at an early day.

OLD TOWN, in Greenup County, the scene of a great battle of Indians.

OWEN'S (Bracket) STATION, near Shelbyville; 1782.

OWINGS' STATION, on road from Lexington to Paris.

PAINT LICK STATION, in Garrard County, near Madison County Line.



VIEW FORT NELSON, 1782

PAINTED STONE, some doubt as to its locality, but believed to be another name for Squire Boone's Station on Clear Creek, near Shelbyville, Shelby County; certainly Squire Boone's military headquarters in June, 1780.

PARIS, formerly Houston's Station, in Bourbon County; established in 1789 under the name of Hopewell, afterwards called Bourbonton, and finally Paris.

PETTIT'S STATION, in Lincoln County,  $2\frac{1}{2}$  miles from Montgomery's Station, on the headwaters of Green River, and 16 miles southeast from Logan's Fort.

PHILLIPS' FORT, in Larue County, on north side of Nolin Creek,  $1\frac{1}{4}$  miles from Hodgenville; settled by Phillip Phillips, 1780-1.

PITTMAN'S STATION, in Green County, on the right bank of Green River, near the mouth of Pittman's Creek, 5 miles west of Greensburg; settled in fall of 1779 or spring of 1780.

POND STATION, in McLean County, 4 miles southwest of Calhoun; 1790.

POPLAR LEVEL, in Jefferson County; before 1784.

PORT WILLIAM, now Carrollton, in Carroll County, at the mouth of Kentucky River; laid out in 1792; a blockhouse built in 1786-1787 by Captain Elliston.

REED'S (John) STATION, near Danville; same as Givens'.

REDSTONE FORT, now Brownsville, in Southwest Pennsylvania, on the Monongahela River; the most frequent point where emigrants from

- Pennsylvania and the east, and many from Virginia and Maryland, took navigation for Kentucky.
- ROGERS' STATION, in Nelson County, near the Beech Fork; 1780.
- ROGERS' STATIONS (another), towards Strode's Station, in Clark County.
- RUDDLE'S STATION, on east bank of South Fork of Licking River, 3 miles below the junction of Hinkston and Stoner's branches about 7 miles from Paris, in Bourbon County; settled in 1777 by Isaac Ruddle; captured by the Indians and destroyed in 1780; rebuilt by John Hinkston and others, and called Hinkston's Station.
- RUSSELLVILLE, in Logan County; settled in 1780.
- St. ASAPH, or Logan's Fort, in Lincoln County, 1 mile west of Stanford; in 1775.
- SALT RIVER GARRISON; before 1780.
- SANDUSKY'S STATION, on Pleasant Run, in Washington County; settled by James Sandusky or Sadowsky in 1776; in 1786 or '87 he removed to Cane Ridge, in Bourbon County and settled another station, which was probably known by the name of CANE RIDGE.
- SCOTT'S (John) STATION, 5½ miles northeast of Cynthiana, Harrison County.
- SCRIVNER'S STATION, in Madison County.
- SHALLOW-FORD STATION, in Madison County.
- SKAGGS' STATION, on Brush Creek, in Green County; about 1781.
- SLATE BLOCKHOUSE, at the old Slate Furnace; in Bath County; about 1788.
- SMITH'S STATION, on road from Danville to mouth of Dick's River.
- SPRING STATION, in Jefferson County; between Floyd's Station and Louisville; in 1784.
- STATION CAMP CREEK, in Jackson and Estill counties.
- SQUIRE BOONE'S STATION, in Shelby County, near where Shelbyville now stands, on Clear Creek, a branch of Brashears' Creek; settled in 1780, or before.
- STATIONS on Beargrass Creek; Six in 1780; with a population of 600 men.
- STEUBEN, FORT, at the Falls of the Ohio in 1790; originally called Fort Finney, now Jeffersonville, Indiana.
- STEVENSON'S STATION, on Paint Lick Creek, probably in Garrard County.
- STOCKTON'S (Geo.) STATION, in sight of Flemingsburg, Fleming County; in 1787.
- STRODE'S STATION, 2 miles from Winchester, in Clark County; in 1779.
- STROUD'S STATION, in Mason County; on the North Fork of Licking, at the mouth of Stroud's Run, in 1785. More correctly written STRODE.
- STURGUS' STATION, in Jefferson County; in or before 1784. Now spoken of as A'Sturgus Station.
- SULLIVAN'S STATION, in Jefferson County, on Beargrass; 1780.
- SULLIVAN'S OLD STATION, before 1780, in Jefferson County; 5 miles southeast of Louisville, on the Bardstown Road. Elisha Applegate, still living in November, 1872, was born there in 1781.
- SULLIVAN'S NEW STATION, in Jefferson County; before 1784.
- SULLIVAN'S (Daniel) STATION, in Jefferson County; before 1784.
- SUMMIT STATION, in Nicholas County, 12 miles from Lower Blue Licks.
- TANNER'S STATION, where Petersburg now is, in Boone County; 1785.
- TANNER'S (John) STATION, 6 miles northwest of Richmond.
- TANNER'S STATION, at Lower Blue Licks; November, 1784.
- TAYLOR'S CREEK STATION, was probably in Campbell County, on Taylor's Creek. The *Cincinnati Sentinel of the North-West*, March 12, 1796, says John Campbell lived there.
- THOMPSON'S STATION, settled by Robert Thompson in 1790; on the Middle Fork of Elkhorn, 3 miles below Lexington, in Fayette County.
- TODD'S STATION, in Jessamine County, not far from Keene, and about

- 10 miles southwest from Lexington; settled by Levi Todd in 1779, who afterwards removed to Lexington as a place of greater safety.
- TRIGG'S STATION, 4 miles northeast of Harrodsburg, in Mercer County, on Cane Run, 4 miles from its mouth at Dick's River; settled in 1780 by Col. Stephen Trigg, and called Viney Grove, because of the number of large grapevines. John Haggin lived there, and it was sometimes called Haggin's Station.
- TWETTY'S FORT, *the first fort in Kentucky*, 5 miles south of Richmond; 1775.
- TYLER'S STATION, named after Capt. Robert Tyler; on Tick Creek, 4 miles east of Shelbyville.
- UPPER BLUE LICKS, on Licking River, in Nicholas County, 12 miles from Flemingsburg and 18 miles from Carlisle.
- VANCE'S STATION, on Green River, 15 miles from its mouth; before April, 1780.
- VANCOUVER'S (Charles) FORT, in forks of Big Sandy River; settled in 1789, but abandoned in 1790.
- VANMETER'S (Jacob) FORT, in Hardin County; before 1790.
- VIENNA STATION, in McLean County, at the falls of Green River; now Calhoun.
- VINEY GROVE. (See Trigg's Station.)
- WADDINGTON'S, a mistake for Worthington's Station, which see.
- WARING'S STATION, in Mason County, nearly 2 miles from Maysville, a short distance west of Lexington turnpike; settled, February, 1785, by Col. Thos. Waring.
- WARNER'S STATION, on Otter Creek, in Madison County.
- WARREN'S (Thos.) STATION, in Madison County.
- WASHINGTON, in Mason County, 3½ miles southwest of Maysville; settled by Simon Kenton in 1784; laid out as a town in 1786, by Rev. Wm. Wood and Arthur Fox, sen.
- WELLS' STATION, in west part of Mason County.
- WELLS' (Samuel) STATION, 3½ miles northwest of Shelbyville.
- WHALEY'S STATION, in Mason County.
- WHIPPOORWILL CREEK, Logan County; settlement in 1784, by the Mauldings.
- WHITAKER'S STATION, in Bullitt County; settled by Capt. Aquilla Whitaker, the hero of the fight at the foot of the Falls of the Ohio, on March 1, 1781.
- WHITE OAK SPRING (or Hart's) STATION. (See Hart's Station.)
- WHITLEY'S STATION, in Lincoln County, 2 miles southwest of Crab Orchard. "In 1779, they found Col. Wm. Whitley's Station at Dick's River, on the Kentucky trace from Cumberland Gap." On the spot still stands a two-story brick house—claimed to be the first brick house built in Kentucky; the windows are set over six feet above the floor, to prevent the Indians seeing or shooting into the room.
- The following letter was written to Col. H. C. Whitley, Emporia, Kansas, from whom Mr. Connelley obtained it. It is of interest and historical value.] "I will write you the verses that are on the Powder Horn. They were his sentiments. He was always making rhymes.

Wm. Whitley I am your Horn,  
 The truth I love, a Lie I scorn,  
 Fill me with best of powder  
 I'll make your Rifle crack the louder.  
 See how the dread terrific Ball  
 Make Indians bleed and Tories fall  
 You with Powder I'll supply  
 For to defend your Liberty.

Col. William Whitley's Horn it holds two pounds of Powder.



## Crab Orchard Nov.

Mr. H. C. Whitley

My dear Sir:

Mr. H. Bright give me your address. I have been for sometime hunting up the Whitleys and Shanks families. My Father's name was William Whitley. My Mother's Polly Shanks. I want to find out if you are related to Col. Wm. Whitley, my grandpa. His Father, Solomon Whitley, came from Ireland. He married Elizabeth Barnet in Ireland. Went to Virginia. My Grandpa was born in Va., in Augusta County, Aug. 14th 1749. He married Esther Fuller. They were ones of the first settlers in Ky. They come here in 1773; had two children then. Grandma lived in Fort Nine years. Grandpa [was] an Indian fighter. As soon as the Indians got friendly he took up land & built [a house] near Crab Orchard. He built the first brick house in Kentucky. It is in good preservation; had an earthquake that cracked one end. A great many persons go to see it, 13 States there has the Eagles head with the Olive branch in its mouth to represent the States, on each step in the Hall stairway. Grandpa was in nineteen Battles and killed, the day Tecumseh was killed. He killed Tecumseh. He always loaded his gun with two Bullets he was Shot with a gun that was loaded with two bullets, 5th day [of] October, 1814. I expect he was a kin to your Father, a brother or cousin. I would like to know what kin he is to you, or if he has other relatives, and where they are. I have neglected to ask all of my Whitley kin if he had brothers & where they lived & brothers sons and daughters. I want you to write me all about them. There is a Mr. Whitley in Va., a Preacher. A Mrs. Langstaff of Memphis has been writing to me. She says her Mother was Polly Whitley. Her Mother's Father's name was Raiford Whitley. I don't know anything about him. He may [be] a nephew of my Grandpa's. I want to know all about them. My Grandpa had eleven Children; three sons, William, Solomon, and Andrew. They are all dead. I have my Grandpa's Gun & Powder Horn & Indian Belt. It is beaded; the one that killed Tecumseh—the gun. Please write me all about the Whitley's. They were honest upright people. I loved them all devotedly. I am the only one of my Pa's family living. I expect you and I are related. Hope to hear from you soon. Trusting God will bless you and your family in all of your business and that you may do all you can to further the blessed word of God and that you are of the blessed ones on earth, Accept my kindest regards for yourself & family

SALLIE ANN HIGGIN :.

My address is Sallie Ann Higgins

Lincoln County Crab Orchard Kentucky."

WILDERNESS, the great traveled road from Virginia to Kentucky, through Cumberland Gap. Hazel Patch, Crab Orchard, and Stanford, to Danville and Central Kentucky.

WILLIAMS' (David) STATION, 6 miles northeast from Harrodsburg.

WILSON'S STATION, in Mercer County, on a branch of Salt River, 2 miles northwest of Harrodsburg.

WILSON'S STATION (another), in Lincoln County, at the fork of Clark's Run; 1785.

WOODS' (John) STATION, in Madison County.

WORTHINGTON'S STATION or Fort, in Lincoln County, 4 miles southeast of Danville; settled in 1779, by Capt. Edward Worthington. (Compiled from various sources, but principally from the *History of Kentucky* by Richard H. Collins.)

## CHAPTER XV

### INSTITUTIONAL DEVELOPMENT: LAND SYSTEM, COUNTIES, TOWNS

The early pioneers who came to Kentucky to settle were not characterized by a conspicuous regard or concern for land laws. It was enough to know that good land could be reached; and it was regarded as sufficient to be able to hold what had been taken. The first surveys, which were made during the summer of 1773, bore no relation to the great majority of the settlers who were soon to follow, as these early surveyors were carrying out the promise made in the proclamation formerly issued by the governor of Virginia to stimulate recruiting for the French and Indian War.<sup>1</sup> The first pioneers who came in to take possession of the rich lands, which Boone and other pioneer hunters had visited and described to the people east of the mountains, were not coming primarily to satisfy promises made by early governors. Fertile and unoccupied lands existed, which they would have. Harrod and his company entered Kentucky in 1774, soon followed by a smaller group under Hite. The next year Henderson began the evolution of his ambitious scheme of a new colony. Surveys were made regardless of the existence of Virginia laws or the absence of them. Henderson's plan contemplated a ruling power which would assume among its duties the sale of lands to individuals. But this authority was not heeded by all who were hungering for land in Kentucky. Many began to settle down on good tracts of land on no authority but their own.

Within a year after these first settlements had begun, there were in existence three classes of land claims. The surveyors, who had been laying out lands due the veterans of the French and Indian War, had set up regular valid claims according to Virginia law. The Transylvania Company had been carrying on surveys for its adherents and prospective settlers. And there was a third class of claims, nondescript and irregular, but nevertheless the holdings of pioneers who had braved many dangers to settle upon them. In June, 1776, Virginia announced by resolution a policy of leniency and preference for those who were actually in possession of lands. This policy was enacted into a law in the following year, providing that all who were in possession of land before June 24, 1776 (the date of the resolution), should be entitled to 400 acres.<sup>2</sup> This gave a valid basis for all claimants to stand on whether they had received surveys of the disputed Transylvania Company lands, or whether they had squatted on the land without authority from any source.

In 1779 a general land law was passed which sought to bring together all rulings and understandings regarding land claims and the methods of securing lands. It marked an epoch in more than one way in Kentucky history. Virginia throughout her control of the large areas west of the Alleghanies, never adopted a systematic means of parcelling them out to the settlers. Not an acre was surveyed and records made of its location before its sale. Instead of following the example of the United States

<sup>1</sup> See *Breckinridge MSS.* (1752-1783) and *Yearbook, The Kentucky Society of Colonial Wars*, 1917.

<sup>2</sup> R. S. Cotterill, *History of Pioneer Kentucky* (Cincinnati, 1917), 231, 232.

Government in using sections, townships and ranges and requiring that all land must be surveyed before sold, Virginia drifted along in the current of least resistance—the settler located his land and then had it surveyed. The only excuses for this negligence that might be argued for Virginia were the cost of such an undertaking, the constant dangers incident thereto from Indian hostilities, and her own pre-occupation in fighting the Revolution. Had the settlement of Kentucky begun ten years later, in a time of peace, with the example of the United States before her, Virginia might have left a more workable land system to her offspring.

The act of 1779, while not a scientific law providing for systematic land surveys, still had features, progressive and just, designed for the benefit of those who had borne the brunt of occupation up to that time. By the terms of this law, every person who had entered a claim and raised a crop prior to January 1, 1778, was entitled to 400 acres at the rate of \$2.25 per hundred acres; and was also given the right to pre-empt 1,000 acres in addition to be paid for at the higher rate of \$40.00 per hundred acres.<sup>3</sup> This was an honest effort to take care of the actual settler as against the absentee claimant and speculator, the pioneer who refusing to run from dangers, had fought to preserve Virginia's western lands. The operations of this law did not extend to the Virginia Military Lands, lying between the Green and Cumberland rivers, nor to the Henderson grant, lying on the Ohio below the Falls. The possession of a freehold estate was made a qualification for a seat in the general assembly; and the further provision was made that this estate could not be sold for debt.

Hereafter all land purchases must be made through land warrants, which were issued in any numbers to any amounts. The person desiring land could go out and choose it wherever he wanted it, marking off its bounds with blazes on the trees. These bounds were entered and later surveyed. There was no inhibition against entering the same lands that had been previously laid claim to, only it must be understood that the valid claim alone should stand good. To guard against the same land being entered more than once, the law required the marks to be so plain and precise as to show others who might want to enter it that the claim had already been made. But the methods of marking were crude and within a few years great confusion from overlapping claims prevailed. Although not mandatory, the law requested that surveys be made as uniform as possible, suggesting that the tract be one-third as wide as long where practicable. But with every person master of his own location, with the uneven fertility of the soil, and with entries made at different times, it was impossible to have an orderly progression of claims. Just as some especially desirable lands were covered with as high as half dozen claims, so there were other tracts on account of being less desirable or through inaccuracies or accidents that were covered by no valid entry.<sup>4</sup>

The loose provisions of this law started a train of evils that touched large numbers of individuals and involved the state government in controversies of great bitterness. Butler, who saw much of what he described, wrote: "Here commences the scramble for land, which has distressed and desolated society in Kentucky almost as calamitously, as pestilence or famine. \* \* \* The breaking up of favorite homes, improved at the hazard of the owner's life, and fondly looked to as a support for declining age; and a reward for affectionate children, swept

<sup>3</sup> Wm. Ayers, "Land Titles in Kentucky," in *Proceedings of the Kentucky State Bar Association*, 1909, 170-175; Winterbothan, *An Historical View*, III, 156, 157; Smith, *History of Kentucky*, 147-148.

<sup>4</sup> *George Rogers Clark Papers*, CXV; Robertson, "New Light on Early Kentucky" in *Proceedings of the Mississippi Valley Historical Association*, 1915, 1916, 90-98.

away by refinements above popular comprehension, produced most widespread discontent and distress; promoted a litigious spirit, and in some instances, a disregard of legal right in general, which has presented itself in such odious and afflicting aspects."<sup>5</sup> In the confusion of titles, the older settlers who had conquered and defended the country which now the post-Revolutionary immigrants were laying possession of, suffered in many instances a complete loss of all their holdings. The astute, designing, and the scheming, aided by the early pioneers who were too busy fighting to mark well their claims, soon came to possess much land unjustly. But technicalities in the law, carelessness of entries, and ignorance of requirements, conspired to bring on these calamities. At the beginning of the great migration to Kentucky, the county court, took occasion to give advice to the new arrivals regarding their relationships with and treatment of the older settlers. It suggested that "they be cautious of encroaching upon the rights and property of the old Settlers, who have in an exemplary manner defended that property during a bloody and inveterate war. The claims of numbers who have long ago deserted their claims, and in an unfriendly manner, left but a few to bear the burden of the war will be more than sufficient for all the new adventurers."<sup>6</sup>

This confusion of land titles naturally led to an inordinate amount of litigation, which produced a strong inducement to young lawyers to migrate to Kentucky. And in this one aspect of the land evils may be seen a disguised blessing; it led many men of talent, who later became prominent in state and nation, to cast their lot in the new region. Among them were such outstanding figures as Henry Clay and John Breckinridge.<sup>7</sup> Francois Michaux in his travels through the state in 1802 noted that "This incertitude in the right of property is an inexhaustible source of tedious and expensive law-suits, which serve to enrich the professional gentlemen of the country."<sup>8</sup>

As there was no limit to the number of land warrants that could be sold to any person, a field was opened for large landed estates as well as for absentee land-holders and speculators. The early settlers suffered as much from the grasping speculators as from the more legitimate avidity of the later immigrants. Chief Justice George Robertson believed that "Many, perhaps most, of the advanced guard who rescued the country, were supplanted by voracious speculators." He cited Daniel Boone as a conspicuous example of this unfortunate condition: "Of the many tracts of rich land for which he had obtained titles, it is not certainly known that he was permitted to hold one foot. Like Moses, he led the pilgrim army—and, like him, he saw but never enjoyed the promised land."<sup>9</sup> Not only the older settlers suffered; but many of the later ones less fit to survive failed in this scramble for land, which was "the engrossing subject of all men's thoughts;" and sought as eagerly and with as much avidity, amidst these hostile forests, as gain in any stock market of any commercial city.<sup>10</sup> A group of Low Dutch Reformed believers, who had come to Kentucky hoping there to establish a community where they could carry out their religious aspirations, in 1782 sent a petition "To the Honorable President and Delegates of the Free United States of America in Congress assembled" complaining of their hard lot. They declared that on arriving they found that "the most or all the Tillable

<sup>5</sup> Butler, *History of Kentucky*, 137, 138.

<sup>6</sup> MS. recommendation of the Court for the County of Kentucky, April 7, 1779, in *Durrett MS. Collection*.

<sup>7</sup> Friends and relatives of John Breckinridge flooded him with letters, begging him to come to Kentucky to take advantage of the excellent opportunity that existed for the lawyer. *Breckinridge MSS.* (1784, 1785). Soon after coming, he had built up a large practice in land suits. *Ibid.* (1785-1795).

<sup>8</sup> F. A. Michaux, *Travels to the West*, 228.

<sup>9</sup> *George Robertson's Scrap Book* (Lexington, 1855), 273.

<sup>10</sup> Butler, *History of Kentucky*, 116, 117.

Land has been Located and monopolized by persons who had the advantage of your Memorialists by being acquainted with the country." <sup>11</sup>

Others complained of the land being held by people who were in Virginia east of the mountains enjoying the protection there afforded them, while settlers in Kentucky exposed to constant dangers were being deprived of land to settle on. A group of people who had lately arrived in Kentucky complained in a petition to Congress in 1780 that, having fought in the Revolution and thinking they would be recompensed with land in the West, they were unable to get it because Virginia was monopolizing it for her own gain and for absentee holders, "By which means almost the whole of the lands in the Country aforesaid are engrossed into the hands of a few Interested men, the greater part of which live at ease in the internal parts of Virginia, while your Petitioners are here with their wives and children daily exposed to the murders of the Savages to whom sundry of the Acquaintances has fell a sacrifice since their arrival though as yet but a short time." <sup>12</sup>

Speculators were honest and dishonest; but in either case they interfered with the proper settlement and development of the new country, and were therefore alike detested by the people who wished to settle the land. To those who would be captains of industry and finance in those days, the opportunities in dealing in land awaited them. Large land holdings may not be argued as proof of dishonesty or sharp business practices. The manner of acquiring them and the use they were put to thereafter, were the factors that should be condemned. The history of the times was full of large land companies as well as large individual land proprietors. Washington amassed a fortune in land holdings. So judged from the business opportunities and practices of the times, the simple fact of large land possessions should not in itself convict. But under any circumstances, when people clamoring for land were denied it because some large proprietor did not see fit to part with his holdings, to say the least social justice was not being served. It was difficult for the person who was too busy conquering the country to possess himself of its lands to understand the actions of others in securing what they had won. George Meriwether wrote George Rogers Clark of his surprise at what certain men had been doing in securing large land holdings: "When I was with you I thought my acquaintance, Mr. Randolph, was likewise attached to the Interest of the Kentucky settlements but I am sorry to inform you that I have reason to believe the contrary for on looking over the Books in the Land office I found a Certain Mr. Bealls had taken out warrants to the amount of 140,000 Acres of Land at least, part of which was entered assigned to Mr. N. Randolph now is this consonant with the doctrine he held when I was with you, and is it consistent with the Interest of that Country to assist a man (and a speculator too) in locating such a body of Land (& I suppose to of the Richest part) when he will never see the Country or if he did, the portion is too large—no man can hesitate a moment to pronounce that it is not the Interest of the back Country. The evil tendency will so fully appear to you that I will quit the subject & say nothing more about it." <sup>13</sup>

For the purpose of bringing order out of the chaos that had risen up to that time, the Virginia land act of 1779 also set up a court of four commissioners to examine the land claims and to award valid titles to those who could fulfill the requirements. These commissioners not only adjusted conflicting claims, but determined the validity of uncontested

<sup>11</sup> *Chenoweth Massacre, Etc.* (Kentucky State Historical Society Pamphlet.)

<sup>12</sup> *Chenoweth Massacre, Etc.* (Pamphlet.)

<sup>13</sup> *George Rogers Clark Papers*, 384. Letter dated Jan. 24, 1780. Alexander Breckinridge went to Kentucky with land warrants for 200,000 acres. *Breckinridge MSS.* (1784, 1785). Alexander Breckinridge to John Breckinridge, Nov. 6, 1784.

holdings, by inquiring into the date of settling, and establishing whether the required crop had been raised. This court began its sitting in 1779 at Harrodstown, with William Fleming, Edmund Lyne, James Barbour, and Stephen Trigg, all from Eastern Virginia, as the commissioners.<sup>14</sup> After adjudicating the claims presented at Harrodstown, the commissioners moved successively to Louisville, Boonesborough and Bryant's Station.<sup>15</sup> The following certificate of land-ownership gives an example of the work of the commissioners: "Samuel Johnson this day claimed a preemption of 400 Acres of land at the State price within the District of Kentucky lying in the Big forks of the Elkhorn Creek on the North side of Edmund Taylors survey to include an improvement made on the same by making an actual Settlement in the month of January 1779. Satisfactory proof being made to the Court they are of the opinion that the said Johnson has a right to a preemption to 400 acres of land to include the said improvement and that a Cer. issue accordingly."<sup>16</sup> More than three thousand two hundred claims were adjusted during the lifetime of this court.<sup>17</sup>

Although much valuable work was done by the commissioners in straightening out land titles and confirming them, still the evils persisted and increased with time. A few years after the commissioners had ceased their labors, it was estimated that not one tenth of the land titles in the District were unquestioned.<sup>18</sup> This of course brought discontent to many settlers and thereby retarded the development of the country, and began early to cause many prospective settlers to turn elsewhere.

The county organization was the unit of local government and political institutions in Kentucky. Being the undefined western part of Virginia, it was necessarily the western extension of some county whose political organization lay east of the mountains. The expansion of the state westward clearly shows itself in the county divisions that took place. The budding Virginia frontier produced five new counties from 1734 to the establishment of Kentucky County in 1776. In the former year Orange County was erected with a boundary to "the utmost limits of Virginia." Four years later, Augusta County was cut off to include the frontier regions. By 1769, the clamoring frontiersman had secured a new county, called Botetourt; and in 1772 Fincastle County arose, which was to serve in theory as the governmental unit for the pioneers that had straggled across the mountains before 1776.<sup>19</sup> As previously noted Kentucky County was wrested from Virginia in this year. As a separate county, Kentucky was now given home rule. She was given two representatives in the general Assembly, and the regular county governmental organization. A county court, known as the "Court of Quarter Sessions" had authority to try petty offences. Appeals could be carried to the higher courts east of the mountains while capital crimes were tried there in first instance. The county court also had the power to order taxation for local purposes, and later was given the right to authorize ferries and grist mills. In 1788, the peculiar position of the District of Kentucky was recognized by Virginia in the representative she allowed in the Confederation Con-

<sup>14</sup> *George Rogers Clark Papers*, CXV; Brown, *Political Beginnings of Kentucky*, 42, 43; Henry Howe, *Historical Collection of the Great West* (Cincinnati, 1851), 42.

<sup>15</sup> Isaac Shelby's claim was taken up first. He was awarded 400 acres on the claim of having settled it, and 1,000 acres on his right of pre-emption.

<sup>16</sup> *Breckinridge MSS.* (1752-1783). Dated Jan. 14, 1780.

<sup>17</sup> Archibald Henderson, "Isaac Shelby Revolutionary Patriot and Border Hero," in *The North Carolina Booklet*, XVI, No. 3, January, 1917, Part I, 134, 135. According to this authority, the commissioners adjourned *sine die*, Feb. 26, 1780.

<sup>18</sup> J. A. James, "Some Phases of the History of the Northwest," in *Proceedings of the Mississippi Valley Historical Association*, 1913, 1914, 189.

<sup>19</sup> John Mason Brown, *The Political Beginnings of Kentucky* (Louisville, 1889), 23.

gress. Other county officials were a sheriff, surveyor, and county lieutenant. The latter had control of the county militia.<sup>20</sup>

The development of this region toward greater self government and ultimate statehood had thus far progressed from the position of being the frontier reaches of Fincastle County into a separate county, with a greater recognition of local self-government in 1780 by the erection of the region into three new counties.<sup>21</sup> Before the unusual step was taken, giving it separate representation in Congress, another advance was made in the erection of it into a judicial district. This came in 1783. A supreme court was provided, with three justices and the other necessary officers. The justices who composed the first Supreme Court of the District were John Floyd, Samuel McDowell, and George Muter. Benjamin Sebastian later succeeded to the chief justiceship on the death of Floyd.<sup>22</sup> The first attorney general was Walker Daniel; and upon his death at the hands of the Indians, he was succeeded by Harry Innes. As the judicial District of Kentucky was set up to meet the demands of the Kentuckians for



FIRST LOG CABIN IN LOUISVILLE

relief from the difficulties of carrying cases to the higher courts of Virginia, this district court was given a much wider and higher extension of power than the county courts possessed. It was given the right to try cases involving treason, felonies, and misdemeanors, with certain exceptions. Its powers also extended to common law and equity.<sup>23</sup>

At the same time the county organizations were being built up towns began to arise. This was the political division nearest to the people. The first pioneers who entered Kentucky were close observers of town sites. In fact towns were planned and actually laid out by the early surveyors of military lands before a single settler had appeared. The Falls of the Ohio were hit upon as the seat of a future great city. Here Thomas

<sup>20</sup> Brown, *Political Beginnings of Kentucky*, 41; Monette, *History of the Mississippi Valley*, II, 169.

<sup>21</sup> Collins, *History of Kentucky*, II, 475. The statement made here that the "First Court ever held in Kentucky was for Lincoln County, and organized at Harrodsburg, Jan. 16, 1781," is incorrect. The court for Kentucky County had been organized and was functioning in 1779. A MS. record of a court held on April 7, 1779, is preserved in the Durrett MS. Collection.

<sup>22</sup> Cotterill, *History of Pioneer Kentucky*, 206, 241; Monette, *History of the Mississippi Valley*, II, 144.

<sup>23</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 66.

Bullitt made surveys for a town in August, 1773.<sup>24</sup> During the following year in May and June patents for tracts of land at the Falls were being completed for from 1,000 to 6,000 acres by John Connolly, John Campbell, William Byrd, William Preston, and others.<sup>25</sup> Even in April of 1774, before all of their patents had been completed, these men had a town projected and were busily engaged in trying to induce settlers. An announcement in the *Virginia Gazette*, signed by John Campbell and John Connolly, set forth the advantages of this location: "The advantageous Situation of this Place, formed by Nature as a temporary Magazine, or Repository, to receive the produce of the very extensive and fertile Country on the Ohio and its Branches, as well as the necessary Merchandise, suitable for the Inhabitants that shall emigrate into that Country (as Boats of fifty Tuns Burthen may be navigated from New Orleans up to the Town) is sufficient to recommend it; but when it is considered how liberal, nay profuse, Nature has been to it otherwise, in stocking it so abundantly that the slightest Industry may support the most numerous Family with the greatest Plenty and amazing Variety of Fish, Fowls, and Flesh, the Fertility of the Soil, and Facility of Cultivation, that fit it for producing Commodities of great Value with little Labour; the Wholesomeness of the Waters, and Serenity of the Air, which render it healthy; and when Property may be so easily acquired, we may, with Certainty, affirm that it will in a short Time be equalled by few inland Places on the American Continent."<sup>26</sup> Lots eighty by two hundred and forty feet were offered for sale for "Four Spanish Dollars, and one Dollar per Annum Quitrent for over." All purchasers were required to erect within two years a log house not less than sixteen feet square with a stone or brick chimney.<sup>27</sup>

The Falls of the Ohio were soon to attract other eyes, and other plans for laying out a town here were soon to be contemplated. The proprietors of the Transylvania Company seized upon these lands to lay out private claims. Some of the Transylvania settlers becoming dissatisfied at this course set up demands for lots for themselves. One of the agents of the company wrote in January, 1776: "The Falls of the Ohio is a place of all others, within this Colony, will admit of a town, which, from its peculiar situation, will immediately become populous and flourishing; the land contiguous thereto rich and fertile, and where a great number of gentlemen will most certainly settle, and be the support and protection of a town at that place."<sup>28</sup> A real beginning of a settlement at this place was not made until George Rogers Clark's preparations for his Northwestern expedition attracted settlers to Cornstalk Island.<sup>29</sup>

The dangers of the war period had the direct effect of causing the population to group itself in stockades and stations. But this sort of life was very irksome to the settlers, who wanted to take possession of the inviting and fertile lands. They could not be a town-loving people under such circumstances. As the stations were based on ideas of easy defence and not on the principles of commerce and economical welfare, most of the towns that grew up bore no relation to the forts and stations. When the need that produced them had ceased, the station melted away, and

<sup>24</sup> Collins, *History of Kentucky*, II, 360.

<sup>25</sup> Breckinridge MSS. (1752-1783).

<sup>26</sup> *Virginia Gazette*, April 7, 1774, copied in J. R. Commons, U. B. Phillips and Others, *A Documentary History of American Industrial Society* (Cleveland, 1910), II (Plantation and Frontier, 1649-1863), 261, 262; also in R. T. Durrett, *Centenary of Louisville* (Louisville, 1893), 134, 135; also in *American Archives*, Series IV, Vol. I, 278.

<sup>27</sup> *Virginia Gazette*, April 7, 1774.

<sup>28</sup> Hall, *Sketches of the West*, II, 244, 246.

<sup>29</sup> R. T. Durrett, "Settlement of Louisville" in *Courier-Journal*, Aug. 2, 1883; Durrett, *Centenary of Louisville*; McMaster, *History of the People of the United States*, I, 148, 149, for further information on the early settlements of Louisville.



today the exact sites of many of them are unknown. Boonesborough is only a memory. To stimulating the establishing of towns as well as to delay a too rapid scattering of the population in the face of dangers that were still present, the county court in 1779 recommended "to the Inhabitants that they keep themselves as united and compact as possible one other year, settling themselves in towns and Forts, and that they may for their greater encouragement procure therein a permanent property to the Soil and Improvements, they recommend that the intended Citizens, choose three or more of the most Judicious of their Body, as Trustees. \* \* \*" These trustees were to have power to lay off such towns and regulate the residential requirements for the ownership of property as well as the character of buildings that should be erected. The court also delegated authority to them to "adjudge adequate and just compensation to any persons who may necessarily be grieved" on account of any regulations and also "to determine all disputes among the citizens in consequence thereof." The records of these town trustees were to be sent to the county court.<sup>80</sup> This was an unusual authority exercised by the county court to set up necessary local self governments; but the characteristics of these sturdy Anglo-Saxons were such as to meet the situation despite legal technicalities.

There was, however, a general Virginia law permitting any group of settlers desirous of setting up a town to set aside six hundred and forty acres for such a purpose. Lots were distributed among the actual settlers, who were required to erect a dwelling house within three years, which must be at least sixteen feet square and have a chimney made of brick, stone, or dirt. Boonesborough was the first to take advantage of this law, when in October of 1779 it was incorporated by an act of Virginia.<sup>81</sup> The following year the settlers around the Falls of the Ohio petitioned the Virginia House of Delegates to incorporate them as a town. They recited that they had laid out the town according to the recommendations of the county court, and now asked that the uncertainty concerning the Connolly lands be finally cleared away. This petition was granted and Louisville became an incorporated town in the same year. The incorporation of other towns soon followed, among which were Harrodsburg, Washington, and Maysville.

The plan for the town of Lexington was adopted in the latter part of 1781, when lots were sold to more than sixty people. Two years later another step was taken by the disposition of lots to thirty-four more settlers and the reservation of three lots for public use. The site of Lexington had been visited as early as 1775 and soon thereafter numerous land surveys were made in the vicinity. According to tradition and a general understanding that arose in the lifetime of the actors, Lexington was named by a party of hunters in June, 1775, upon hearing of the battle of Lexington. Timothy Flint in 1826, declared that it "received its name from some hunters, who were encamped under the shade of the original forest, where it is built, and who, receiving the first intelligence of Lexington battle in Massachusetts, named the town after that, where commenced the great struggle of American independence."<sup>82</sup> No efforts at establishing a town here were made until 1779 when Robert Patterson

<sup>80</sup> *MS. Record in Durrett MS. Collection.* This is reproduced in Durrett, *Centenary of Louisville*, 137.

<sup>81</sup> Robertson, "New Light on Early Kentucky," in *Proceedings of the Mississippi Valley Historical Association*, 1915, 1916, 90-98; Collins, *History of Kentucky*, II, 514.

<sup>82</sup> Timothy Flint, *Recollections of the Mississippi Valley* (Boston, 1826), 353. This version of the naming of Lexington was given in a celebration at Maxwell's Spring (Lexington), in 1809, while John Maxwell, who was in Colonel Patterson's party of settlers in 1779, was still alive and present at the meeting. It was accepted without question at this time as the true version. *Reporter*, July 29, 1809. See also Mrs. W. T. Lafferty, *The Town Branch MS.*, in Lexington Public Library.

with twenty-five men began a settlement.<sup>88</sup> Although getting a later start than other Kentucky towns, Lexington was advantageously situated in an exceedingly fertile region and before the end of the century was the largest town in Kentucky, with strong prospects for the social, intellectual, and industrial center of the west.

The institutional development of Kentucky had thus far been a perfect reflection of the economic situation. The growth of separatism was the keynote.

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<sup>88</sup> *Historical Address by George W. Ranck at the Centennial Celebration of the Settlement of Lexington, Kentucky* (April 2, 1879), Pamphlet, 11 pp. Also see Collins, *History of Kentucky*, II, 179, 180.

## CHAPTER XVI

### BEGINNINGS IN THE MOVEMENT FOR SEPARATION FROM VIRGINIA

The experience of the settlers in Kentucky from the very beginning had been such as to develop self-reliance and strong initiative. All through the Revolution they had been the vanguard of American opposition in the West. The war had scarcely begun before the few pioneers then west of the Alleghanies cast about to take up their part in the struggle. Through the dark days when the whole region was all but deserted those who remained struggled on with whatever resources they could command, separated from the little aid Virginia had to offer by hundreds of miles of almost impassable mountains. They presented much the appearance of a part of an army separated from the main body surrounded by the foe on every side, but fighting on regardless of help. These pioneers had thus been subject to the worst possible conditions; but they had lived through it, and that largely through no power but their own. It is little wonder then that ideas should early arise among these people, that they could easily take care of themselves in peace, if they could survive so far in a war as trying as they had recently experienced, and, indeed, which was not yet ended.

But the movement that sprang up for separation from Virginia was by no means based wholly on the mere feeling of an ability to take care of themselves. The tangled web that began to be woven as early as 1780 was no simple fabric. They entered into it a thousand strands colored by as many shades and hues. The history of Kentucky from 1780 for a full dozen years, until separation was finally secured, revolved around good motives and bad, patriotism, self, and complicated intrigue. The leaders and the masses were never able to settle any one of their pressing problems on its merits alone, so tangled and mixed were public affairs in the West.

During this period the problem of separation from Virginia was of continuing interest, the securing of which in most minds, would largely solve all the other difficulties. This movement was not well developed until about 1785; but before the Revolution had ended, there began to appear unmistakable signs that the hardy pioneer warriors of the Kentucky country would not long rest contented under the government of rulers hundreds of miles away. Neither would the tens of thousands of immigrants who were beginning to enter Kentucky rest until their dreams of the West should be realized in the control of their own government. A petition dated August 23, 1780, and signed by more than 350 persons was sent to the Continental Congress. They recited the difficulties and troubles they were having in securing and holding their land, with other attendant circumstances that made their lives disagreeable. They had taken into consideration solutions and would now suggest three. In the first place, they could stay in Kentucky and take the oath of allegiance to Virginia which she was then demanding. Again, they might leave Kentucky and even the United States and take land "on some part of Mexico" and become citizens of the king of Spain. The third solution they offered was to move across the Ohio River and settle in the savage

country. This they declared would suit them better than either of the first two means suggested. They then appealed to "the Honorable Congress to allow them Liberty of making such Regulations amongst themselves as they shall find necessary to govern themselves by, being subject to the United States at large and no other States or power whatsoever."<sup>1</sup> Thus, these early petitioners would separate from Virginia, but not in order to escape government. The pioneers throughout the whole settlement of the West developed and exhibited no stronger trait than that for a government. They might disregard laws which they did not approve, but they never desired the absence of laws. These petitioners were undoubtedly early arrivals in the western country and had not yet settled down sufficiently to identify themselves with their surroundings.

Certain conditions which George Rogers Clark describes in a letter to his father may not be wholly unconnected with the above petition. On the very day the petition was signed Clark wrote: "The partizans in these Counties are again Soliciting me to head them as [the]ir Governor General as all those from foreign States are for a new Government but my duty obliges me to suppress all such proceedings I consequently shall loose the Interest of that party."<sup>2</sup> This is an early indication of the position on the separation question that became general with those settlers who had not migrated from Virginia.

Three months earlier a petition for separation from Virginia had been sent to the Continental Congress. This was signed by 672 persons. Instead of being from Kentuckians only, it included many settlers in the County of Illinois. They desired Congress to create them into a separate state.<sup>3</sup> As they placed no restrictions on the limits of the new state, it, therefore, seems to have been the intent of the petitioners to form a state lying on both sides of the Ohio River.

Congress was not the only power appealed to by the Kentuckians. Virginia naturally came in for a constant stream of petitions when once opinions began to form and crystallize on the wants and needs of her western settlers. This was an old and accepted method east of the mountains, and so the great number of petitions that went up from the Kentuckians is not extraordinary. These petitions dealt with all the public needs of the times. They show how completely dependent for authority in government the Kentuckians were on their Virginia rulers. They are also an ever reminder of that close connection with Virginia which must have been instilled into the Kentuckians, whether they had been born in the Old Dominion or in some other state. As before suggested, these petitions covered the whole field of governmental activity and bear no far-fetched general relationship to the modern method known as the initiative. The laws of Virginia passed for the Kentucky country bear a very close relationship to the petitions. In many of the laws a part of the petition appeared in the preamble. Not all petitions were answered in laws, but most of the laws found their inception in petitions. Virginia was, thus, very considerate and attentive to her western citizens.<sup>4</sup> But despite this sympathy and consideration of the mother state for her offspring, there were many problems of the Kentuckians that could be

<sup>1</sup> *Chenoweth Massacre, Etc.* [n. p., n. d.] A publication of the Kentucky State Historical Society.

<sup>2</sup> *George Rogers Clark Papers, 1771-1781*, p. 453. Edited by J. A. James. [Illinois Historical Collections, Vol. VIII, Springfield, 1912.]

<sup>3</sup> J. M. Brown, *The Political Beginnings of Kentucky* [Louisville, 1889], 59.

<sup>4</sup> A large number of the petitions have been published in James R. Robertson, *Petitions of the Early Inhabitants of Kentucky* [Louisville, 1914]. This is Filson Club Publication, Number 27. Also see by the same author "New Light on Early Kentucky" in *Proceedings of the Mississippi Valley Historical Association*, 1915-1916, Vol. 9, pp. 90-98.

solved only through the organization of a new state, and so the movement for separation was not appreciably stayed in Virginia's answer to petitions.

One of the most fruitful causes of complaint was the uncertainty and confusion in obtaining and holding land as well as the operations of speculators who had begun to get control of large tracts. In 1782 a petition was sent to the Virginia General Assembly making such complaints as noted above. It was alleged that the real settlers were greatly handicapped by the flock of speculators. A change in the land laws was sought. If this could not be had, a separation ought to be granted. If Virginia should agree to a separation, the petitioners would have her interceded with Congress to admit the new state into the union.<sup>5</sup>

But all the elements of discontent were not to be found in Kentucky alone. The situation in the nation at this time on the question of the ownership of all the western lands was anything but reassuring to the Kentuckians. This had been one of the most difficult problems the struggling young nation had to deal with. The Articles of Confederation had been held from going into effect for two or three years by this very question. Not until 1786 were all the Northwestern lands ceded to Congress. Virginia had the most extensive claims of any of the states. They not only included Kentucky but virtually all of the Northwest. The numerous arguments put forth to prove that the states had no valid claim to these lands had the direct effect of creating a state of uncertainty in the minds of the Kentucky settlers. In 1780 Thomas Paine enlisted his trenchant pen in the cause, arguing with considerable force in *Public Good* that Virginia had no just and valid claim to any of the western territory. This was a forty-one page pamphlet widely circulated and having the sub-title "being an Examination into the Claim of Virginia to the vacant Western Territory, and of the Right of the United States to the same to which is added proposals for laying off a New State, to be applied as a fund for carrying on the war, or redeeming the National Debt."<sup>6</sup> Paine argued the uncertainty and confusion in the very charter through which Virginia claimed the land, that the Proclamation of 1763 limited her western boundary by the Alleghany Mountains, and that even if the land did belong to her it would be bad policy to hold it. He declared Virginia would lose more in taxes from her citizens migrating to the westward than she could gain in land sales in that region. He would carve out and erect a new state running from the western boundary of Pennsylvania down the Ohio River to the Falls, thence to the North Carolina boundary [Tennessee now] and thence eastward to the mountains. His argument for a new state for these settlers, who themselves at this early time had scarcely thought of it, had the effect of increasing and crystallizing this sentiment. The following argument and prophecy was largely borne out by subsequent events: "The present settlers being beyond her reach, and her supposed authority remaining in herself, they will appear to her as revolters, and she to them as oppressors; and this will produce such a spirit of mutual dislike, that in a little time a total disagreement will take place, to the disadvantage of both."<sup>7</sup>

Two years after Paine had written his *Public Good* its doctrines had reached the wilderness of Kentucky and was producing confusion and discontent. Virginia was notified in a petition this year that "an Inflammatory Pamphlet intituled public Good" had made its appearance and was greatly augmenting the unrest so prevalent among the people.<sup>8</sup> These doubts as to the ownership of the western country furthered the movement for separation from Virginia and the erection of a new state into

<sup>5</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 62-5.

<sup>6</sup> *Writing of Thomas Paine* [Albany, 1792], contains the text of this pamphlet.

<sup>7</sup> Paine, *Public Goods*, 38.

<sup>8</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 64.

the union. If Virginia's claims were invalid, then, the grants of land made by her were void and no one could be sure that his property was his own. A petition, dated August 27, 1782, prayed Congress to admit the Kentucky country as a state in the union, since the charter under which Virginia claimed the western country had been dissolved and the land had reverted to the Crown and that the Revolution had diverted all Crown property to the national government.<sup>9</sup>

The silent appeal of Paine's *Public Good* was soon supplemented by certain radical agitators who appeared in Lexington and Louisville in 1784. One Galloway entered the former town in May and began to spread the doctrine that Virginia did not own Kentucky and therefore all she had done there was void. Congress, he declared, owned the land and would make a new distribution soon. He advised the people, in the meantime, to seize upon the land wherever they wanted it. The results of such inflammatory arguments and appeals can readily be imagined. In a newly settled country, as this was, there could always be found a certain class of floating ne'er-do-wells who were willing to follow any agitator especially when he should promise them gain; but, of course, the great mass of the citizens and the leaders of the community whose all depended on the maintenance of the existing order, were greatly wrought up. Galloway was immediately arrested and held for trial. But the question speedily came up as to what crime he had committed and how he could be punished. After a considerable search of the old Virginia laws, it was decided that he was guilty of the "propagation of false news, to the disturbance of the good people of the colony." He was, thus, tried under this old law, they had resurrected, and was fined one thousand pounds of tobacco. As he was unable to procure the tobacco, he was given his freedom with the understanding that he immediately leave the country.<sup>10</sup>

At about the same time Galloway was spreading his doctrine in Lexington, one Pomeroy, doubtless his companion, was busily engaged in the same occupation in Louisville. He was soon arrested and tried under the same old Virginia law which had been made use of in the Lexington trial. But Pomeroy did not escape with so light a sentence as Galloway. He was fined 2000 pounds of tobacco and forced to "give security for his good behavior, himself in £1000, with two securities in £500, and pay costs, &c." But as the very nature of his occupation precluded the possibility of him having so extensive a stock of worldly goods, he, like Galloway, was let loose provided he should leave the country immediately.<sup>11</sup>

There was always a class of population whose fears and cupidity could always be played upon by agitation and rumors. They were never a majority, but their existence had its effect on the general situation, hastening on and augmenting the general feeling of discontent that was arising among all classes. About this time a group of discontents informed Virginia that they had recently heard that a committee of Congress had declared that the lands northwest of the Alleghany Mountains did not belong to Virginia, and that a pamphlet circulating through the country stated the same. They suggested to Virginia that if the country did not belong to her, then, they believed it belonged to themselves. They added, however, that they were willing for Virginia to rule them.<sup>12</sup>

The unrest and discontent up to 1785 was most evident in that class of people who had not become prominent in the community and who

<sup>9</sup> *Proceedings of the American Historical Association*, III, 419-422; IV, 354.

<sup>10</sup> James Hall, *Sketches of History, Life, and Manners of the West* [Philadelphia, 1835], II, 22; G. W. Ranck, *History of Lexington, Kentucky* [Cincinnati, 1872], 106.

<sup>11</sup> Ben Casseday, *The History of Louisville* [Louisville, 1852]; Collins, *History of Kentucky*, II, 373.

<sup>12</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 78, 79.

had not had the success in securing land and other property which they had anticipated. Many of them represented the most recent migrations. Those who had come from other states than Virginia tended to be less respectful toward that State's authority and traditions. During this period they were looked upon by many of the native Virginians as the chief agitators for separation. But this movement was becoming grounded in more fundamental causes than mere dislike for Virginia. James Speed wrote Governor Harrison in May, 1784, from Danville: "Many of the inhabitants of this place are not natives of Virginia, nor well affected to its government, and are sowing sedition among its inhabitants as fast as they can, which I fear will have too great an effect so long as they are pent up in forts and stations, notwithstanding the attorney-general has taken every step in his power to suppress them. \* \* \* I fear the faction will increase, and ere long we shall revolt from government in order to try if we can govern ourselves, which, in my opinion, will be jumping out of the frying pan into the fire."<sup>18</sup> In this is indicated the two groups that were now fast evolving themselves out of the situation in Kentucky. Those who regardless of cost and consequences would set up a new state in the American union, and those conservatives mostly Virginia born who could see no good in a new state that would not be outweighed by the evils consequent to such a move. The latter group fast lost support when the series of conventions began, which after a most tangled and complicated course, finally changed the District of Kentucky into the Commonwealth of Kentucky.

<sup>18</sup> T. M. Green, *The Spanish Conspiracy* [Cincinnati, 1891], 56. Copied from the *Calendar of Virginia State Papers* [Richmond, 1875-1883].

## CHAPTER XVII

### THE FIRST THREE CONVENTIONS

As Kentucky continued to increase in population and wealth she gradually developed a self-consciousness which chafed under the control of a power hundreds of miles away. The idea of being a colony was not pleasing to the mass of the people, and especially did many of the leaders feel their opportunities for development circumscribed by such a condition. So large a community of people as Kentucky presented to view, and in so detached a situation from the mother state, was a challenge to those who would become statemakers and statesmen. Besides any laudable ambitions that might thus have been aroused, there were problems of moment pressing for an immediate solution. From the very nature of the case Virginia was unable to rule effectively and wisely so large a number of people so far away. And as the District of Kentucky was only so many counties of Virginia she must necessarily be ruled on the same basis as the Virginia counties east of the mountains. As a result, permission from the central authority must be had to do the most minute things. In such important and highly necessary fields of activity as defense against the Indians, complete authority rested in the Virginia capitol. Indian uprisings and invasions might be preparing under their very eyes, with the Kentuckians unable to act. Invasions might be carried out and great destruction wrought before authority could be obtained from Virginia to deal with the situation. Not even a ferry or a grist mill could be set up nor a town incorporated without first obtaining the permission of Virginia. The distance from the seat of power and authority operated on every hand to the great detriment of these pioneers. The final authority in all suits at law rested east of the mountains. Only the rich could afford to carry a case to its final adjudication, if occasion should arise to contest it to the end. However fair and sympathetic the Virginia government might try to be in dealing with Kentucky, it must ever fall short of complete justice; for again distance operated against the Virginia government ever completely understanding the problems of the Kentuckians in their Indian troubles and along many other lines. Virginia, east of the mountains, had commercial problems and interests that pointed for solution eastward toward the Atlantic; whereas Virginia, west of the mountains, had commercial problems and aspirations that pointed for solution southward down the Mississippi. As long as the Alleghanies reared their masses as an impenetrable barrier to commercial intercourse between these two parts of a single state, so long must commercial interests suitable to the one be incompatible with those of the other.<sup>1</sup>

These problems became more pressing as time went on and Kentucky became more powerful. For years efforts to obtain and adapt laws made in Richmond to conditions in Kentucky had availed little. Opinion was becoming widespread that a concerted move must be made through the united action of all Kentucky. The occasion for the first proceeding

<sup>1</sup> E. D. Warfield, "The Constitutional Aspect of Kentucky's Struggle for Autonomy, 1784-92," in *Proceedings of the American Historical Association*, IV, 354; Brown, *Political Beginnings of Kentucky*, 59.



grew out of an effort to deal with one of the most important and immediately pressing difficulties that the Kentuckians had long been laboring under. This was an adequate means of defense against the Indians. In 1784 Col. Benjamin Logan learned that the Cherokees were making extensive preparations to invade Kentucky from the south, and that there was unusual Indian activity on the northern frontiers. It seemed criminal to him to sit down and wait for the storm to burst upon them, or what would practically amount to the same thing, await for authority from Virginia to deal with the menace. In this dilemma, Logan called a meeting of representative citizens to convene in Danville to consider what was best to be done. At the meeting the consensus of opinion was that measures should be undertaken at once to repel the invasion. But on further investigation it was found that there was no law which would permit the militia to be called out for offensive operations without war being declared. It was their good fortune that the expected Indian uprising did not take place; but it set them to thinking. Here was a potential state willing and able to take care of itself, but unable to act. This meeting, therefore, went on record as favoring a separation from Virginia and admission to the Union of states. As the best means for carrying out this movement, they decided to call a convention of the District to meet in Danville on December 27 [1784] to take into consideration means of preserving the country from impending danger.<sup>2</sup> This convention was to be composed of delegates chosen by the militia companies. Thus was Kentucky set going in her quest for that illusive will-o'-the-wisp, statehood, and as has been aptly said "Nor can there in the whole history of American government be found a career of such multiplied disappointments and abortive assemblies, as in the labors of Kentucky, to be admitted into the Union."<sup>3</sup> The military nature of this beginning is very evident. The preliminary meeting was virtually a council of war; it was thus a military necessity that precipitated the movement; and it was advanced its first step not through the civil powers but through the militia companies. This in itself is a striking comment on the early society of the District, where the able bodied men were largely kept on a war footing. Thus were they a people cradled in the Revolution which for them was not yet ended.

The time was ripe for such a move. The people responded with great interest in sending their representatives to the Danville meeting. The convention was organized with Samuel McDowell, president, and Thomas Todd, secretary—a combination that was followed in the nine succeeding conventions. Many visitors came to listen to the debates on the various questions discussed. There was nothing radical proposed or taken into consideration. The men who composed the membership were largely of Virginia nativity or sympathies; and although there were necessarily differences of opinion, it was unanimous in the sentiment that whatever was done should proceed along lines strictly according to law. There was a large majority in favor of petitioning Virginia for separation and through her for application for admission to the Confederation. But the call on which they were elected did not specifically direct them to formulate plans for statehood. So here began that extreme caution and nicety to the exactness of law which characterized the ever recurring conventions to the number of ten, before they succeeded in accomplishing what was expected to be done in one.

They adopted seven resolutions in which they recounted the long distance and inconvenience attendant upon the transaction of business with

<sup>2</sup> J. B. McMaster, *History of the People of the United States*, I, 163, 4; *Proceedings of the American Historical Association*, V, 357.

<sup>3</sup> Mann Butler, *A History of the Commonwealth of Kentucky* [Cincinnati, 1836], 168.

a government so far away. They, therefore, called another convention to meet in the following May to take into consideration the propriety of forming a new state. Shrinking from what they might well have done themselves, they passed the task on to a second convention. Instead of using the method of election under which they themselves had been chosen, they resolved that a civil vote should be taken in April and that representation should be based on the freehold population. They fixed the number of representatives from Lincoln County at twelve, and from Fayette and Jefferson at eight each. Here began a departure from the Virginia system of representation based on counties regardless of population, which was a harbinger of many other more democratic usages to be adopted by the Kentuckians. The last resolution admonished the people to select their best men.<sup>4</sup>

Four months elapsed from the adjournment of this meeting until the election for the second convention. During this period the people were given an opportunity to discuss the specific question of statehood and to determine on representatives who would carry out their views. According to call, the second convention convened in Danville on May 23 [1785]. The representatives were very decorous and deliberative, debating their problems a week before drawing up the sense of the body. Five resolutions were adopted containing the results of their deliberations on the action that should be taken. First, they resolved unanimously "That a petition be presented to the Assembly, praying this District may be established into a State, separate from Virginia." It was also their unanimous opinion that the District should be received into the American Union "and enjoy equal privileges in common with the said States." They issued a call for a third convention to meet in Danville in August to be elected on the principle of equal representation "and to continue by adjournment till the first day of April next, to take further under their consideration the state of the District." It was a rather unusual procedure to prolong the life of the coming convention for eight months.

But the people had found in these conventions a sort of semi-authority which they could exercise; the organized will of the District could thus act through a continuing body which could watch over the interests of Kentucky and act in an emergency.

Besides the resolutions adopted, two addresses were drawn up: The one "To the Honorable General Assembly of Virginia," the other "To the Inhabitants of the District of Kentucky." But after considering all the problems of statehood and embodying its deliberations in resolutions and addresses, it had not the temerity to act on them. Their fifth resolution provided "That the petition to the Assembly for establishing this District into a State, and the several resolves of the former and present Conventions, upon which the petition is founded, together with all other matters relative to the interests of the District, that have been under their consideration, be referred to the future convention, that such further measures may be taken thereon as they shall judge proper."<sup>5</sup> This action shows the utmost caution which the convention was using in every movement. It was in effect a species of referendum, whereby the people would be given, presumably, a final opportunity to pass on separation. But since the convention had voted unanimously for separation and must, as a popular body, have represented reasonably well the sentiment of the people, it seems to have been prolonging unduly the period of uncertainty. However, it seems that no other motive may be imputed to them than their desire to represent the will of the people absolutely, and to be assured that public opinion was reasonably unanimous. This move-

<sup>4</sup> Brown, *Political Beginnings of Kentucky*, 60-62.

<sup>5</sup> Brown, *Political Beginnings of Kentucky*, 63, 64.

ment for statehood was considered too serious a procedure to allow a powerful minority to remain in opposition.

This desire for unanimity is strikingly shown in the method that was now used to secure it. Efforts were made by this convention to set up a newspaper in the state, which resulted two years later in the establishment of the *Kentucky Gazette*, the second newspaper west of the Alleghanies. The convention resolved "That to assure unanimity in the opinion of the people respecting the propriety of separating the district of Kentucky from Virginia and forming a separate state government, and to give publicity to the proceedings of the convention, it is deemed essential to the interests of the country to have a printing-press."<sup>6</sup>

The address to Virginia, which the convention left over for the action of the following convention and which was never presented to the authorities at Richmond, showed great consideration and good will toward the mother state. It recited the perplexing difficulties the District was laboring under due to no fault of Virginia, and expressed the belief that separation would be gladly granted when it was understood that only in such course could the happiness and best interests of the District be secured. The Kentuckians wanted authority to call a convention to frame a constitution; they promised to continue the laws of Virginia in force until superseded by Kentucky laws; the English common law should prevail; and they would assume their rightful share of the Virginia public debt, the amount to be determined by commissioners which they would appoint. "Finally, we hope and expect that our representatives will cheerfully grant a request justified by the principles of our government as well as by the necessities of our condition, and that by an act of separation we shall be placed in the situation best adopted for attaining the advantages of a free and well regulated government; and that we shall likewise be recommended to Congress to be taken into union with the United States of America, to enjoy equal privileges in common with them."<sup>7</sup>

The address to the people represented the most effective part of the convention's work. It was fully in line with that body's attitude toward educating the people as far toward the point of unanimity as possible. With its Declaration of Independence ring, it was an exceptionally clever piece of propaganda, reminding the thoughtless and the forgetful and intensifying the alert on their ever-present perplexities. As it also gives an interesting insight into general conditions in the District, it is presented here in full:

"Friends and Fellow Citizens: We, your representatives, met in convention in consequence of your appointment, beg leave to address you on a subject which we consider of the last importance to you, to ourselves, and to unborn posterity.

"In every case when it becomes necessary for one part of the community to separate from the other; duty to Almighty God and a decent respect for the opinion of mankind require that the causes which impel them thereto should be clearly and impartially set forth.

"We hold it as a self evident truth that the government is ordered for the ease and protection of the governed: and whatever ends are not attained, by one form of government, it is the right, it is the duty, of the people to seek such other mode, as will be likely to insure to themselves and to their posterity those blessings to which, by nature, they are entitled.

"In the course of our enquiries, we find that several laws have passed the Legislature of Virginia, which, although of a general nature, yet in

<sup>6</sup> W. H. Perrin, "The First Newspaper West of the Alleghanies," in *Magazine of American History*, 1887, pp. 121-127.

<sup>7</sup> Brown, *Political Beginnings of Kentucky*, 66, 67.

their operation are particularly oppressive to the people of this district; and we also find that, from our local situation, we are deprived of many benefits of government which every citizen therein has a right to expect; as a few facts will sufficiently demonstrate.

"1. We have no power to call out the militia, our sure and only defence, to oppose the wicked machinations of the savages, unless in case of actual invasion.

"2. We have no executive power in the District, either to enforce the execution of laws, or to grant pardons to objects of mercy; because such a power would be inconsistent with the policy of the government, and contrary to the present constitution.

"3. We are ignorant of the laws that are passed until a long time after they are enacted, and in many instances until they have expired: by means whereof penalties may be inflicted for offences never designed, and delinquents escape the punishment due to their crimes.

"4. We are subjected to prosecute suits in the High Courts of Appeals at Richmond, under every disadvantage for the want of evidence, want of friends, and want of money.

"5. Our money must necessarily be drawn from us, not only for the support of the civil government, but by individuals who are frequently under the necessity of attending on the same.

"6. Nor is it possible for the inhabitants of this District, at so remote a distance from the seat of government, ever to derive equal benefits with citizens in the Eastern parts of the State, and this inconvenience must increase as our country becomes more populous.

"7. Our commercial interest can never correspond with or be regulated by theirs, and in case of any invasion, the State of Virginia can afford us no adequate protection, in comparison with the advantages we might (if a separate State) derive from the Federal Union.

"On maturely considering truths of such great importance to every inhabitant of the District, with a firm persuasion that we are consulting the general good of our infant country, we have unanimously resolved, That it is expedient and necessary for this District to be separated from Virginia and established into a sovereign, independent State, to be known by the name of 'Commonwealth of Kentucky,' and taken into union with the United States of America.

"In order to effect this purpose we have agreed on a petition to be presented to the Legislature of Virginia at their next session, praying that a separation may take place; in which petition are fully set forth such terms as we thought beneficial to our infant country, and not inconsistent for Virginia to grant.

"It is generally admitted that this District ought, at some period not far distant, to be separated from the government of Virginia.

"The only question then, is, whether we are now, of sufficient ability, either to fill the different offices of government, or provide for its support. In answer to the first part of this objection, examples have taught us, that sound principles and plain sense suffice for every laudable purpose of government; and we generally find that the liberty of the subject and the laws of the land, are in the highest reverence, at the foundation and rise of States, before the morals of the people have been vitiated by wealth and licentiousness and their understandings entangled in visionary refinements and chimerical distinctions: and as to the latter part, we have now in our power several valuable funds, which, if by procrastination we suffer to be exhausted, we shall be stripped of every resource but internal taxation, and that under every disadvantage: and therefore we do not hesitate to pronounce it as our opinion, that the present is preferable to any future period.

"By an act of the last session of the Assembly, we find that the rev-

enue law is fully and immediately to be enforced within the District, so that we shall not only pay a very considerable part of the tax for supporting the civil government of the State, but also be obliged to support our supreme court, and every other office we need in the District, at our own charge; and we are of the opinion, that the additional expense of the salaries to a governor, council, treasurer, and delegates to Congress, will, for a number of years, be more than saved out of the funds before alluded to, without any additional tax to the people."<sup>8</sup>

There was no printing press within reach to publish this address, but many pens busily copied it for distribution among the leaders of the different communities and for posting at the county courthouses. For the third time the people were now engaged in registering their will for separation in the election of the thirty delegates who were to compose the next convention. This process was becoming monotonous and wearisome, and the voters now held out the reasonable hope that this would be the final assembly in the movement for statehood.

On August 8, 1785, the third convention met in Danville and immediately took into consideration the business transmitted to them by the former convention. Among the new members who appeared was James Wilkinson, a man who had established well-known reputation during the Revolution and who the year before had come to Kentucky to recoup his finances and to fish in the troubled waters. He was a man "of fine address, of great talent, and of untiring industry" who could wield a pen with a florid and picturesque style.<sup>9</sup>

He was now in a fruitful field for his talents and temperament, and soon began to exert an increasing influence. After a thorough discussion of its problems the convention embodied its conclusions in a series of resolutions embracing in general the same complaints that had appeared in the famous address to the people issued by the preceding convention. But there was a strain of growing impatience clearly indicated, which could not have been produced through any fault of Virginia's, as no appeal for separation had yet been sent to her by any of the conventions. This increasing exasperation expressed here was effective propaganda for intensifying the people's desire for separation. The Virginia laws were declared to operate unequally in the two parts of the state on each side of the mountains, tending to the subversion of justice in Kentucky. With a ring of the early Colonial wrath against Great Britain, the resolutions attack a Virginia law imposing a tax on land as "equally subversive of justice as any of the statutes of the British Parliament that impelled the good people of America to arms." It continued:

"Whereas all men are born equally free and independent, and have certain natural, inherent and inalienable rights; among which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety: Therefore,

<sup>8</sup> Brown, *Political Beginnings of Kentucky*, 236-238; the full text is also found in William Littell, *Political Transactions in and Concerning Kentucky, from the first Settlement thereof Until it Became an Independent State in June, 1792* [Frankfort, 1806], appendix, p. 2; Humphrey Marshall, *The History of Kentucky* [Edition 1824], I, 206; and in R. M. McElroy, *Kentucky in the Nation's History* [New York, 1909], 122-125.

<sup>9</sup> J. D. Monette, *History of the Discovery and Settlement of the Valley of the Mississippi* [New York, 1848], II, 173; *Proceedings of the American Historical Association*, V, 357. Humphrey Marshall gave the following description of Wilkinson: "A person not quite tall enough to be perfectly elegant, compensated by its symmetry and appearance of health and strength. A countenance open, mild, capacious, and beaming with intelligence; a gait firm, manly, and facile; manner bland, accommodating, and popular, and address easy, polite, and gracious, invited approach, gave access, assured attention, cordiality and ease." Marshall, *History of Kentucky* [1824 Edition, I, 165.]

"Resolved, That it is the indispensable duty of this convention, as they regard the prosperity and happiness of their constituents, themselves and posterity, to make application to the General Assembly, at the ensuing session, for an act to separate this District from the present government forever, on terms honorable to both and injurious to neither; in order that it may enjoy all the advantages, privileges and immunities of a free, sovereign and independent republic."<sup>10</sup> These resolutions were unanimously adopted.

Having resolved for separation, the convention now turned its attention toward methods for carrying it out. The result was two new addresses: one for the people and one for Virginia. The latter set forth an exact mode of procedure, while the former was designed to keep the people lined up in support of this course by reminding them again of their many ills. These addresses were undoubtedly the work of Wilkinson; as indeed were those of the preceding convention, if a similarity of style should be deemed conclusive. The danger of Indian invasions was now particularly agitating the popular mind and so the address to the people deals largely with the defenceless conditions of the country. A call to arms was sounded: "Let us rouse from our lethargy; let us arm, associate, and embody. Let us call upon our officers to do their duty, and determine to hold in detestation and abhorrence, and to treat as enemies to the community, every person who shall withhold his countenance and support of such measures as may be recommended for our common defence." A call was made on the militia officers to meet and determine on plans of defence. The convention assumes in this address certain powers that approach full governmental responsibility.<sup>11</sup>

The address to Virginia was not the same one which the second convention had drawn up and left over for the action of this assembly. This address was less conciliatory in language and more demanding in its implications. On this point it ran: "In this Address we have discarded the complimentary style of adulation & insincerity—it becomes Freemen when speaking to Freemen to imploy the plain, manly unadorned Language of Independence \* \* \*" <sup>12</sup> It cleverly left the implication of the possibility of certain eventualities as disagreeable to Kentuckians as any other Americans, if action were not speedily obtained:

"The settlers of this distant region, taught by the arrangements of Providence and encouraged by the conditions of that solemn compact for which they paid the price of blood, to look forward to a separation from the Eastern part of the Commonwealth; have viewed the subject leisurely at a distance and examined it with caution on its near approach—irreconcilable as has been their situation to a connection with any community beyond the Appalachian Mountains, other than the Federal Union; manifold as have been their grievances flowing therefrom, which have grown with their growth and increased with their population; they have patiently waited the hour of redress, nor even ventured to raise their voices in their own cause until youth quickening into manhood hath given them vigor and stability.

"To recite minutely the causes and reasoning which have directed and will justify this address, would, we conceive, be a matter of impropriety at this juncture. It would be preposterous for us to enter upon the support of facts and consequences which, we presume, are incontrovertible; our sequestered situation from the seat of government, with the intervention of a mountainous desert of 200 miles, always dangerous, and passable only at particular seasons, precludes every idea

<sup>10</sup> Brown, *Political Beginnings of Kentucky*, 69-73, 239, 240.

<sup>11</sup> Brown, *Political Beginnings of Kentucky*, 242.

<sup>12</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 82.



ROBERT PATTERSON, 1753-1827  
(Courtesy of The Filson Club)

of a connection on republican principles. The patriots who formed our constitution, sensible of the impracticability of connecting permanently in a free government the extensive limits of the commonwealth, most wisely made provision for the act which we now solicit."

It ventured to praise the anticipated action of Virginia thus:

"Our application may exhibit a new spectacle, in the History and Politics of Mankind—A Sovereign Power; solely intent to bless its People agreeing to dismemberment of its parts, in order to secure Happiness of the whole—and we fondly flatter ourselves from motives not purely Local, it is to give Birth, to that catalogue of great events, which we persuade ourselves, is to diffuse throughout the World the inestimable blessings, which mankind may derive from the American Revolution."<sup>13</sup>

This convention, unlike the preceding one, was bent on speedy action. It entrusted the address for delivery to the two most important officials of the District, who were also members of the convention. They were George Muter, chief justice of the District, and Harry Innes, the district attorney. As this action was supposed to secure final results, there was no call issued for a new convention, and thus this continuing authority, which had its inception in Logan's council of war and which had been passing from convention to convention, ceased. It was now believed that the next assembly would be a sovereign convention, called by the authority of Virginia, whose duty it should be to provide a constitution for the new state. In fact, the Kentucky leaders had begun to contemplate the provisions that should go into their new constitution, as soon as the movement for separation began. Caleb Wallace wrote James Madison on August 23, 1785, for his view on a constitution for Kentucky. Wallace also invited Madison to move to Kentucky as a field for future power and preferment. Madison hesitated to entertain seriously "the idea of transplanting myself into your wilderness"; but he gave a long exposition on the importance and powers of legislative, executive, and judicial departments of government.<sup>14</sup> No one could know at that time that these thoughts and contemplations on constitution-making which were engaging certain Kentuckians should long be forgotten before they should be needed.<sup>15</sup>

<sup>13</sup> The full text of this address may be found in Brown, *Political Beginnings of Kentucky*, 240 et seq., and in Robertson, *Petitions of the Early Inhabitants of Kentucky*, 79-82.

<sup>14</sup> *The Writings of James Madison* [New York, 1900-1910], II, 166-177.

<sup>15</sup> The names of the members of the convention which met December 27, 1784, have not been found. The names of the members of the conventions of May 23, 1785, and August 8, 1785, are to be found, Collins, *History of Kentucky*, Vol. I, p. 354, and are given here:

Members of the convention held in Danville, on the 23d day of May, 1785—Samuel McDowell, president, George Muter, Christopher Greenup, James Speed, Robert Todd, James Baird, Matthew Walton, James Trotter, Ebenezer Brooks, Caleb Wallace, Richard Terrell, Robert Clarke, Robert Johnson, John Martin, Benjamin Logan, Willis Green, Harry Innes, Levi Todd, Isaac Cox, Richard Taylor, Richard Steele, Isaac Morrison, James Garrard, John Edwards, George Wilson, Edward Payne, James Rogers, . . . Kincheloe.

Members of the convention which assembled at Danville, August 8, 1785—Samuel McDowell, president, George Muter, Christopher Irvine, William Kennedy, Benjamin Logan, Caleb Wallace, John Coburn, James Carter, Richard Terrell, George Wilson, Isaac Cox, Andrew Hynes, James Rogers, Harry Innes, John Edwards, James Speed, James Wilkinson, James Garrard, Levi Todd, John Craig, Robert Patterson, Benjamin Sebastian, Phillip Barbour, Isaac Morrison, Matthew Walton, James Trotter.



## CHAPTER XVIII

### THE FOURTH CONVENTION; THE FIRST AND SECOND ENABLING ACTS

Now, for the first time, the question of separating the District of Kentucky from the commonwealth was officially before the Virginia Legislature. The leaders in state affairs had not been oblivious of the agitation, interspersed with three conventions, that had been going on in Kentucky for the past year. Opinions varied as to the advisability of separation and as to the methods of bringing it about. The Virginia constitution which had been framed in 1776 contemplated the erection at some future time of states out of its vast domains, which not only included the Kentucky regions south of the Ohio River, but also embraced practically all of what came to be known as the Old Northwest. The constitution specifically provided that the boundaries of the commonwealth should be the same as they had been under James I, unless "one or more governments be established westward of the Alleghany Mountains."<sup>1</sup> The wisdom and foresight of this provision can hardly be overestimated, for without this constitutional permission, it would be difficult to predict what should have been the attitude of the Virginia Legislature toward Kentucky statehood.

James Monroe, while not entertaining a pronounced antagonism to Kentucky statehood, believed that the admission of western states should be restricted as much as possible. He was not actuated by any hostility to the West; but, rather, he feared the diminishing importance of Virginia as western states were admitted. Speaking of the Kentucky situation, he said: "My opinion is we cod so model our regulations as to accommodate our government to their convenience, and unquestionably the more we diminish the State, the less consequence we will have in the Union."<sup>2</sup> This opinion was expressed in August of 1785. Shortly thereafter Monroe made a visit to Kentucky, passing down the Ohio River to Limestone [Maysville] and thence to Lexington and back to Virginia over the Wilderness Road.<sup>3</sup> He later changed his views, and contemplated for a time casting his lot with the Kentuckians. Instead of believing that the separation of Kentucky from Virginia would lessen the latter's importance, he now thought that Kentucky should become a state, among other reasons because as a state she would add her power to Virginia's influence in the Union.<sup>4</sup>

The many-sided Jefferson had long been interested in Kentucky and the West in general. He was not directly opposed to a separation, but would proceed with due caution. Washington was at least as sympathetic, if not more so. He wrote Jefferson in September, 1785: "The inhabitants of Kentucky have held several conventions, and have resolved to apply for separation; but what may be the final issue of it, is not for me to inform you." He said opinions varied on this point; but "I have

<sup>1</sup> See *Proceedings of the American Historical Association*, V, 358.

<sup>2</sup> *The Writings of James Monroe*, edited by S. M. Hamilton [New York, 1898-1903], I, 107.

<sup>3</sup> Lewis and Richard H. Collins, *History of Kentucky* [Covington, 1874], I, 21.

<sup>4</sup> F. J. Turner, "Western State-Making in the Revolutionary Era" in the *American Historical Review*, I, 262, 263.

uniformly given it as mine, to meet them upon their own ground, draw the best line and make the best terms we can, and part good friends."<sup>5</sup> It was only natural for most Virginians to want to hold onto the rich domains of Kentucky, if the whole could be knit together into one harmonious commonwealth. In pursuance of this idea the Legislature in 1779 had passed an act for opening a road across the Cumberlands to Kentucky. In the words of the preamble, "To afford mutual aid and support to one another and cement in one common interest all the citizens of the state a good wagon road through the great mountains into the settlements will greatly contribute."<sup>6</sup>

In due time Muter and Innes appeared in the Virginia General Assembly with the Kentucky petition. They were received with courtesy and consideration. With almost the appearance of haste, Virginia, on January 10, 1786, granted permission for separation, embraced in a law which came to be known as the First Enabling Act.<sup>7</sup> But there were laid down certain conditions incident upon a separation, and others necessary as a precaution against the uncertainties of political attachments in the West. Some time before this, Madison had sounded a warning: "No interval whatever should be suffered between the release of our hold on that Country and its taking on itself the obligations of a member of the federal body. Should it be made a separate State without this precaution, it might possibly be tempted to remain so, as well with regard to the U. S. as to Virginia. \* \* \*"<sup>8</sup> Madison was here not thinking of possible foreign intrigues so much as the allurements of an escape from the general debt and national taxation. Jefferson also had fears as to Kentucky's ultimate attachments. In January, 1786, he wrote: "I fear \* \* \* that the people of Kentucky think of separating, not only from Virginia (in which they are right), but also from the confederacy. I own, I should think this a most calamitous event, and such a one as every good citizen should set himself against."<sup>9</sup>

This Enabling Act began by agreeing with the Kentuckians on the propriety of a separation on account of the great distance with the concomitant disadvantages. But instead of calling a constitutional convention for the Kentuckians, which doubtless most of them thought would be the next step, the General Assembly called another convention to be made up of representatives elected by the free male inhabitants in the August following [1786] and to meet in Danville the fourth Monday in September. In this convention the people were given an opportunity to determine whether they wanted statehood on the conditions laid down. Thus, it did not represent a feeling on the part of Virginia that the masses had been heretofore hoodwinked into separation by the convention leaders and that now they should be given a referendum under the authority of Virginia to register their true will. These were the conditions laid down on which Virginia was willing to let Kentucky separate: The boundary of the new state to remain the same as the District; that Kentucky assume her proportion of the Virginia public debt; that private rights and land holdings based on Virginia laws prior to separation be not disturbed; that residents and non-residents be treated alike in taxation and security of property; that all land titles made under the authority of Virginia and surveyed before 1788 be held valid; that the lands that Virginia had reserved for different kinds of services be held for her until September, 1788; that the Ohio River be open and

<sup>5</sup> *Writings of George Washington* [Boston, 1840], Edited by Jared Sparks, IX, 134.

<sup>6</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 18, 19.

<sup>7</sup> Brown, *Political Beginnings of Kentucky*, 72, 73.

<sup>8</sup> *The Writings of James Madison*, II, 149.

<sup>9</sup> *The Writings of Thomas Jefferson* [Washington, 1904]. Library Edition, V, 259. This letter was written to A. Stuart from Paris, January 25, 1786.

free to all citizens of the United States; and, that in case of disputes arising over these conditions, they be settled by arbitration by commissioners.

Finally, there was the provision that if the convention called to meet in the coming September should decide on separation, then it must fix a date prior to September 1, 1787, when Virginia's authority should cease; provided, however, that previous to June 1, 1787, Congress should agree to this partition and agree to receive Kentucky into the Union.<sup>10</sup> This was one of the most important conditions in the compact. It was this provision which set going that train of events that kept the would-be state wandering through a labyrinth of six more conventions for as many years; but it was this same provision that saved her the unnecessary temptations which were beginning to dangle before her eyes in the shape of foreign intrigues. It could not have been wholly accidental that not the slightest mention of a desire to enter the American Union was made throughout the address to Virginia, which Wilkinson wrote and which Muter and Innes carried to Richmond. Instead of following the common practice in the former petitions of private citizens and addresses of conventions praying Virginia to intercede with Congress for their admission into the Union as a state, this address asked "That an act may pass at the ensuing session of the Assembly, declaring and acknowledging the Sovereignty & Independence of this district."<sup>11</sup> The precaution that Virginia took was not wholly uncalled for.

As the time grew near for the August election, which was to provide for the fourth convention to meet in the following month, interest in the general movement for separation was intensified. There was growing up a feeling of exasperation at the interminable delay that seemed to be pursuing the quest for statehood. The former convention had been largely controlled by this element, which was becoming bolder and more outspoken for immediate action, regardless of the Enabling Act. In this movement Wilkinson first began to develop a popular leadership. He entered the campaign in Fayette County as one of the candidates to represent that county in the forthcoming convention. Here the campaign waxed especially hot. Wilkinson came out boldly for immediate independence, and so vehement was he in his denunciation of delay that he overreached his mark. A strong opposition grew up against him, so widespread that he all but failed of election, despite the fact that he modified his statements; and his enemies declared that it was only through fraud that he succeeded.<sup>12</sup>

But in the meantime, Indian depredations had become so unbearable that two important expeditions were fitted out to carry the war across the Ohio River into the Indian country. Logan went against the Shawnees on the headwaters of Mad River, while Clark led 1,000 volunteers up the Wabash against the Indian towns on the Vermilion.<sup>13</sup> This was the situation in the District when the Fourth Convention met in Danville in September, 1786. As a result, when the meeting was called to order, no quorum was present—a large number of the members-elect having gone on the Indian expeditions. The minority thus unable to organize, adjourned from day to day, awaiting the return of the absent

<sup>10</sup> McElroy, *Kentucky in the Nation's History*, 129-130.

<sup>11</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 82. Madison wrote Washington concerning the Kentucky attitude on these conditions: "The apparent coolness of the representative of Kentucky, as to a separation, since these terms were defined, indicates that they had some views that will not be favored by them. They dislike much to be hung on the will of Congress." Green, *Spanish Conspiracy*, 62, quoted from *Writings of George Washington*, IX, 510.

<sup>12</sup> Collins, *History of Kentucky*, I, 262; McElroy, *Kentucky in the Nation's History*, 130.

<sup>13</sup> A more extended account of these expeditions will be found on pages —.

members. Although not competent to transact business in the name of the convention, this minority prepared a memorial to the Virginia Legislature, reciting the circumstances in Kentucky that made it impossible to proceed with the convention, but at the same time they asked that certain changes be made in the provisions of the Enabling Act. They appointed John Marshall, afterwards to become the great chief justice, as their agent in Richmond to present the memorial.<sup>14</sup> Among the amendments asked for was an extension of the time limit required for the sanction of Congress. Virginia, willing to please her western settlers and to solve this important internal difficulty as soon as possible, revised the old Enabling Act on January 10, 1787. Regardless of the request of this rump convention, Virginia would have been under the necessity of revising her enabling act, as the Kentucky convention had been delayed so long it could not have fulfilled its time requirements. Some argued that so unimportant an item as merely the time limit should not be made to bring about delay, which could not be less than at least a year. But even John Marshall, who was here intrusted with Kentucky's interests, favored a new law. He believed with the General Assembly that to proceed under the old act of separation would augment party differences in Kentucky, "that, as you are very much divided among yourselves, and there does not appear to be in the minority a disposition to submit with temper to the decision of the majority," there ought to be a new act passed.<sup>15</sup>

He agreed with the Legislature that everything should be done strictly according to the letter of the law, for when once the law was set aside in the slightest degree, a breach was opened for more serious departures.

The terms of this new act were virtually the same as the First Enabling Act, except as to the time limits. An election was called for in August following [1787] for a fifth convention to meet on the third Monday in September in Danville to again vote whether it would have separation or not. A longer period than in the first act was set for the termination of Virginia's authority, should the convention vote for separation. Her authority was now not to cease until January 1, 1789, and Congress must agree by July 4, 1788, to "release this Commonwealth from all its federal obligations arising from said District, as being part thereof, and shall agree that the proposed state shall immediately after the day fixed as aforesaid, or at some convenient time future thereto, be admitted into the Federal Union."<sup>16</sup>

In the meantime the members of the convention who had been away on the military expeditions returned, and in January [1787] a quorum was found present. The convention immediately voted with great unanimity to agree to the Virginia terms of separation. But shortly thereafter the intelligence of the new enabling act reached Kentucky. The convention, thus deprived of any further authority, adjourned, with the erstwhile members departing to their various homes throughout the District in an ugly temper.<sup>17</sup>

<sup>14</sup> Brown, *Political Beginnings of Kentucky*, 73-78.

<sup>15</sup> Brown, *Political Beginnings of Kentucky*, 78.

<sup>16</sup> Brown, *Political Beginnings of Kentucky*, 73-78.

<sup>17</sup> Collins, *History of Kentucky*, I, 264; J. D. Monette, *History of the Discovery and Settlement of the Valley of the Mississippi* [New York, 1848], II, 172-192.

## CHAPTER XIX

### TRADE RIGHTS DOWN THE MISSISSIPPI—THE FIFTH CONVENTION

Kentucky had now gone through with four conventions, and was apparently no closer to statehood than when she began. The flames of reckless discontent that had been growing for some time now finding much to feed on burst out anew and with great intensity. Many people began to think less on statehood and more on absolute independence. Before another convention should assemble the people were destined to pass through such provocations and excitement as to almost destroy their faith in the American Union or desire to become a part of it.

Clark's expedition against the Indians up the Wabash carried with it a train of evil consequences. In the first place it aroused the anger of Governor Edmund Randolph, who had succeeded Patrick Henry in December of 1786, and who had none of that popularity that Henry had enjoyed with the Kentuckians. One of his first official acts was to offer strong provocations to the Kentuckians in the attitude he took toward Clark's expedition. He declared that he had information from Kentucky that Clark "had undertaken without authority to raise recruits, nominate officers, and impress provisions in the District of Kentucky for the defence of the Post of Vincennes, and had for that purpose also seized the property of Spanish subjects contrary to the laws of nations."<sup>1</sup> Randolph demanded that Harry Innes, the attorney general of the District, institute prosecutions. It seemed to the Kentuckians bad enough to be left defenceless by Virginia and the Confederation as they believed, but to be prosecuted for defending themselves was filling their cup to overflowing. Innes replied to Randolph that Virginia and the national government had grossly neglected their defence and that it would be wise not to drive a people to desperation. He refused to make any prosecutions, taking advantage of a technicality he was able to discover.

Clark's expedition had been a failure, largely to his mismanagement. The lustre of his name was rapidly tarnishing, and this expedition almost effaced it. Mutiny, disobedience, and disorder marked its course. While in Vincennes he had forcibly taken merchandise and provisions from some Spanish merchants there for the use of his army. Reports were scattered and gained credence that Clark would not stop with robbing Spanish merchants in Vincennes, but would march his army to Natchez and seize the city. This was an echo of the land speculations in the western domain of Georgia around that city that were agitating certain minds in the West. Thomas Green wrote the Georgia Governor in December, 1786 from the Falls of the Ohio [Louisville] that Clark was ready "to raise troops sufficient, and go with me to the Natchez to take possession, and settle the lands. \* \* \*"<sup>2</sup> He asked Georgia's permission, claiming there were hundreds of families ready to go and wrest the country from Spain. Another letter written at the Falls of the Ohio earlier in the same month found wide circulation. It told of the stagnant conditions of commerce in the West due to Spain's control of

<sup>1</sup> Brown, *Political Beginnings of Kentucky*, 82, 83.

<sup>2</sup> T. M. Green, *The Spanish Conspiracy* [Cincinnati, 1891], 385, 386.

the Mississippi and hinted that Clark's actions against the Spanish merchants was only the beginning of the movement; that if the Spaniards would not let the Americans trade down the river, then, the Americans would not permit the Spaniards to trade up; and that the people were getting ready to drive out the Spaniards and side with England.<sup>3</sup>

These rumors connected with Clark's Vincennes troubles created considerable excitement among a certain class. They were anxious for an investigation of Clark's conduct. In 1787 the Secretary of War ordered such an investigation. A report was made to Clark's discredit; but nothing further was done more than disown his treatment of the merchants.<sup>4</sup>

Added to this excitement was a report of certain transactions of vastly more importance to the Kentuckians. This was the intelligence that John Jay was on the point of bartering away to the Spaniards the claim of the United States to the navigation of the Mississippi River for certain commercial concessions which would benefit the East only. In order to get the proper setting of this question at this time, it is necessary to give a short account of its status.

By the Treaty of Paris in 1763, ending the French and Indian War, England was given the right to navigate the Mississippi throughout its whole length. The treaty of independence in 1783 conveyed that right to the United States. But during the peace negotiations, both France and Spain looked with little sympathy on the Americans extending their boundaries west of the Alleghanies, much less to be willing to guarantee to them the right to navigate the Mississippi from its source to its mouth. Due principally to the tenacity of Jay and John Adams, the freedom of this great river was secured. Spain never became reconciled to this grant of so important a right to strengthen a rising young republic, in whom some of her diplomats saw the future menace to the whole fabric of Spanish possessions in the New World. The jealousy of Spain was intensified by the dispute that soon arose over the southern boundary of the United States.<sup>5</sup>

During the Revolutionary war Spain had thrown the river open to the struggling colonies, as a blow against her great rival. In 1779 she entered the war against England. Considerable use was made of the river during the struggle. As early as 1776 a trip was made by the western settlers to New Orleans for powder; and they succeeded in bringing back up the river 136 kegs which were used on the Wheeling and Pittsburg frontier.<sup>6</sup> In 1779 a party of seventy-two men conveying munitions of war up the Ohio from New Orleans were attacked by Indians and all but twenty slain.<sup>7</sup> George Rodgers Clark's famous expedition against the Northwest was supplied to a considerable extent by munitions and provisions brought up the Mississippi. The Kentuckians were thus taught the necessity and value of this great highway; and when peace came they doubly expected to continue its use, since it was guaranteed to them by treaty.

But this was not to be. For the first few years after peace, the Kentuckians had no great use for the river, as they had not yet begun to produce much more than they consumed. But as these regions south of the Ohio immediately became the destination of extraordinary numbers

<sup>3</sup> Green, *The Spanish Conspiracy*, 387; McMaster, *History of the People of the United States*, I, 381-383.

<sup>4</sup> Ezra Mattingly, "George Rodgers Clark—A soldier of the Early West" in *Magazine of Western History*, Vol. 14, 561, 572.

<sup>5</sup> Carl Russell Fish, *American Diplomacy* [New York, 1915], 70, 71, *passim*.

<sup>6</sup> Collins, *History of Kentucky*, I, 518; Butler, *History of Kentucky*, 156.

<sup>7</sup> *Ibid.*, 102; Collins, *History of Kentucky*, I, 20; W. R. Shepherd, "Wilkinson and the Beginnings of the Spanish Conspiracy" in *American Historical Review*, IX, 491, 492.

of settlers, they soon began to produce an abundance of tobacco, beef, pork, lard and like products. The whole economic fabric soon came to depend absolutely on a market. Now the river became the very life blood of the people, since it was the only highway on which they could reach a market. Soon after the war, Thomas Amis, a North Carolinian, tested out the freedom of navigation by loading flat boats on the Ohio and attempting to float down to the markets in New Orleans. When he reached Natchez his goods were seized by the Spaniards and it was with great difficulty that he was able to get back to Kentucky.<sup>8</sup> Other attempts to use the river met with like difficulties. However, no one thought of giving up the claim to that right or to cease making efforts to use it.

Congress had pursued a vacillating course. In 1779, it had made the freedom of the Mississippi a *Sine qua non* to any treaty with Spain; while in 1781 in the tortuous course of the negotiations it had given its representatives permission to waive this right; but by 1784 it had returned to its former position. In 1786 John Jay, the secretary for foreign affairs, as the secretary of state was called under the Confederation, suggested to Gardoqui, the Spanish minister, the possibility of giving up the right for twenty-five years of navigating the Spanish end of the Mississippi in return for certain commercial rights, which from their very nature could have no value for the western settlers.<sup>9</sup> A sectional aspect was immediately given to these proceedings; and an acrimonious debate ushered it into Congress. It was the commercial North against the agricultural South. The Virginia legislature by a unanimous vote instructed her representatives in Congress to oppose the Jay proposals; and also took occasion to re-affirm that the free use of the western waters belonged to the people living thereon "by the laws of God and nature as well as compact" and strongly deprecated Congress or any other power bartering such rights away.<sup>10</sup> The Southern states lined up solidly against the North. The vote resulted in seven states out of the thirteen standing in favor of the Jay proposals; but as a vote of nine was required by the Articles of Confederation for the passage of important legislation, it ended in failure. But the mischief was done, the proposals had been seriously considered by Congress, and this was almost as strong a provocation to the West as if the proposals had passed.

The Kentuckians, agitated as they were through the course of their many conventions, were in no mood to receive intelligence of the Jay proposals. In July, 1786, Washington had written Henry Lee of the unrest in the West: "At this moment it is formidable, and the population is rapidly increasing. There are many ambitious and turbulent spirits among its inhabitants, who, from the present difficulties in their intercourse with the Atlantic States, have turned their eyes to New Orleans, and may become riotous and ungovernable, if the hope of traffic with it is cut off by treaty."<sup>11</sup> In the early part of 1787 rumors of Jay's doings had begun to filter across the mountains into Kentucky. Marshall, Kentucky's agent in Richmond, was doubtless the first to send an exact account of the affair.<sup>12</sup> About the same time a number of citizens in and around Pittsburg, signing themselves as a "Committee of Correspondence," addressed a communication to the people of Kentucky, informing them "that John Jay, the American secretary for foreign affairs, had made a proposition to Don Gardoqui, the Spanish minister, near the United States, to cede the navigation of the Mississippi to Spain for twenty years, in consideration of commercial advantages to be enjoyed

<sup>8</sup> McMaster, *History of the People of the United States*, I, 372-383.

<sup>9</sup> Fish, *American Diplomacy*, 71, 72; Collins, *History of Kentucky*, I, 265.

<sup>10</sup> Brown, *Political Beginnings of Kentucky*, 78-81; McMaster, *History of the People of the United States*, I, 389.

<sup>11</sup> *Writings of Washington*, IX, 180.

<sup>12</sup> Brown, *Political Beginnings of Kentucky*, 80, 81.

by the eastern States alone."<sup>13</sup> It came to be a current report in Kentucky that Jay had said "that the Western people had nothing to export, & therefore the cession of the Mississippi would be no injury to them."<sup>14</sup> Needless to say that in the West, Jay became the most unpopular man in the whole country, a reputation he confirmed with Kentuckians when eight years later he negotiated with England the Famous Jay Treaty.

The extreme party gained much through these reports. They could now point to Congress as unwilling to help the West, even if she were able. It was also now evident that the East cared nothing for the welfare of the West, and was willing to sell them in bondage to a foreign power, in order to enhance its own greedy interests. Not only would it do this, but also through a designed neglect of defense against the Indians, it would allow the savages to exterminate the Kentuckians. Should they attempt to defend themselves, the result was chidings and investigations by the national authorities. Events were thus playing directly into the hands of the extremists, who were being led and urged on by Wilkinson. The iron was now hot; they would strike. On March 29 [1787] a circular letter signed by Harry Innes, George Muter, Benjamin Sebastian, and John Brown and addressed to the people of Kentucky called on the people to elect delegates to a meeting to be held in Danville in the following May to take into consideration the action of Congress with regard to the navigation of the Mississippi. The people readily complied in an inflamed state of mind. For a time there was danger of rash acts being taken, which might land Kentucky out of the Union. The convention met according to call, but ended in a fiasco. The reasons were these: When the call went out, there was no exact knowledge of the status of the Jay proposals in Congress and the attitude of Virginia was not yet known. When the Virginia resolutions of opposition became known, and when it was learned that Congress had not agreed with Jay, a better feeling was shown, and the convention adjourned without action.<sup>15</sup>

About the time the call went out for the Danville convention, which was a move of the extremists, a memorial was sent up to the Virginia General Assembly by the more moderate element, begging the authorities to intercede with Congress not to sell out the West for the benefit of the East. The memorialists declared they had as much right to the Mississippi as to the James or the Potomac. The memorial continued: "Born and educated under our common gov't and attached to it by the strongest Ties of Interest & affection, having equally participated in the hardships & dangers of the Revolution and being equally entitled to its benefits, they cannot but receive with horror the Idea of their being thus sacrificed, and their interests sold by those whom they have considered as their brethren, friends & Fellow-citizens."<sup>16</sup> This memorial was dignified and temperate throughout. It was signed by many who had been soldiers in the Revolution. It bore the names of John Breckenridge, Francis Preston, and John Campbell; but not those of James Wilkinson, George Muter, Harry Innes, George Nicholas, or Caleb Wallace.<sup>17</sup>

It was thus with mingled feelings that the people approached the subject of the election and meeting of the fifth convention. According to the Second Enabling Act, the election was to take place in August and in September the convention should convene. On August 11, 1787, there

<sup>13</sup> Collins, *History of Kentucky*, I, 264; McElroy, *Kentucky in the Nation's History*, 132.

<sup>14</sup> Harry Innes to John Brown, December 7, 1787, in the Innes MS, Vol. 28. This MS collection is in the Library of Congress.

<sup>15</sup> Collins, *History of Kentucky*, I, 264.

<sup>16</sup> Green, *Spanish Conspiracy*, 389-391.

<sup>17</sup> The absence of these names is not held condemnatory, but rather as interesting.



appeared in Lexington a force which was destined to play an important part in the future discussions of the District and the state. This was the printing press with its product, the *Kentucke Gazette*, edited by John Bradford. Efforts of the second convention to have a newspaper started were thus rewarded two years later, in time for it to play a part in shaping affairs for the fifth convention. The people seized with avidity this opportunity to give expression to their pent-up feelings.<sup>18</sup> The question of separation naturally came in for much discussion. Here the persistent few who strove against the inundation of separation-feeling could seem as big and shine as bright as their opponents. In the third issue appeared a long poem, a paraphrase of Hamlet's Soliloquy, beginning "To sever or not to sever, that is the question."<sup>19</sup> This was followed in the next issue by thoughtful observation on both sides of the question. If separation is voted, it was asked how the new state expected to pay the expenses of running the new government, while the Mississippi remained closed. It was clearly inferred that the Kentuckians must expect to pay for the privilege of having their own state government, and that taxes must necessarily be higher than they were at that time. Also "Will not separation lessen our importance in the opinion of the savages and cause them to fall on us with greater vigour?" But on the other hand, if separation were not obtained, how could they defend themselves against the Indians, how could they pay the taxes demanded by Virginia, how as a remnant of Virginia could they establish and maintain a policy that would promote manufactures, and how could they properly encourage learning? Also a state government could more easily restrain the lawless and the licentious as well as put a stop to "the abuses of power practiced of late by some of those in Authority."<sup>20</sup> These observations were highly stimulating, attracting considerable discussion on both sides of the question. Furthermore, if they should become a state they would automatically be vested with valuable commercial power, which they believed might be used against Spain with telling effect. Under the Articles of Confederation the states possessed the power to pass tariff laws against foreign countries as well as against each other. Armed with this club the Kentuckians could threaten to exclude absolutely every species of Spanish commerce from the state and otherwise threaten Spanish trade. Virginia had erected a port of entry on the Ohio, whose policy Kentuckians had no control over. From every angle the advantages of statehood seemed to protrude.

Ten days before the fifth convention met, an article appeared in the *Kentucke Gazette*<sup>21</sup> strongly urging opposition to the erection of a new state. Besides giving the stock arguments against separation, it argued that taxes would be greatly increased and that a part of the national debt would be saddled on Kentucky. All talk about the new state officials being willing to accept small salaries, it declared, was designed to lull the people; "Ambition would always carve out offices, and avarice would require larger salaries." Defence against the savages would be much more difficult, as Virginia's supply of munitions of war would

<sup>18</sup> The people with this new-found means of expression did not confine their discussions to matters of public interest. Private quarrels and grudges were aired out in some issues of the *Gazette* to the almost exclusion of matters of a general interest. This led "Monitor" to write the editor: "Your paper is a scene of war, a vehicle of scandal, in Consequence of every private quarrel. \* \* \* It will be your duty to advise those wrathful Gentlemen to determine disputes some other way, and not as all other earthly blessings to men, pervert the important usefulness of your press, by the imperfections of human nature." Humphrey Marshall and others had by this time entered into their heated personal quarrels. *Kentucky Gazette*, April 12, 1788.

<sup>19</sup> *Kentucke Gazette*, August 25, 1787.

<sup>20</sup> *Kentucke Gazette*, August 18, 1787.

<sup>21</sup> The spelling of the name *Kentucke* was soon changed to *Kentucky*.

automatically cease with statehood. And, furthermore, the aid and support of Virginia would be sorely needed in the contest with Spain that was sure to come.<sup>22</sup>

Thus the questions that were soon to come before the convention had been more widely discussed, reaching a greater number of people, than ever before. On September 17 [1787] the fifth assembly met and speedily decided unanimously to separate from the rest of the state according to the Virginia terms. It, however, asked that Virginia's authority cease on December 31, 1788; and that in the meantime a Kentuckian be designated as one of the Virginia delegation in Congress. It also adopted a menacing petition to Congress demanding admission into the Union. Finally, it made provision for the election of what was hoped would be the final convention which would make a constitution for the new state.<sup>23</sup>

In view of the many disappointments and the excitement caused by the Jay episode, the fifth convention was very moderate and temperate in its discussions and proceedings. The radicals and extremists who had seemed in the earlier part of the year to have had the complete ascendancy, did not carry out the program that would have been expected in those days. The same causes that had prevented any hasty action by the Danville meeting in May operated to the same effect in the fifth convention, which had now adjourned. But, perhaps, one of the most potent reasons was the fact that Wilkinson was not present. His absence was not due to defeat for membership. He had so ingratiated himself with the people by his engaging personality and talents, and with a liberal use of his money, that he was elected to the convention. But when the assembly convened, he was far from the turmoils of Kentucky. He was in New Orleans. Here began actively that series of foreign intrigues ramifying at one time or another into three nations, which was to compromise the patriotism and good name of the West for more than a decade, blast the reputations of at least two prominent leaders, and cast suspicion on a host of others.

<sup>22</sup> *Kentucke Gazette*, September 8, 1787.

<sup>23</sup> Collins, *History of Kentucky*, I, 266. The address to Congress was by no means "perfectly respectful in its character" as stated in Collins, *Ibid.* See *Kentucky Gazette*, February 23, 1788; also letter from Innes to Brown, December 7, 1787, in *Innes MSS.*, 28.

## CHAPTER XX

### WILKINSON AND THE SPANISH TRADE

During these troublous times the economic conditions in Kentucky were almost as serious as was the political situation. In fact they were unusually closely connected. Many people thought that manufactures and commerce waited upon statehood and that everything waited on a free and open Mississippi. As the people passed out of frontier conditions, the economic fabric came to depend absolutely on securing and maintaining a market. The wonderfully fertile Blue Grass Region was producing an ever growing surplus of all kinds of farm products. As barns and granaries were piled higher and higher with wheat, rye, and tobacco the prices of these products became lower and lower; and the discontent of the people increased. In 1786, it was reported from the Falls of the Ohio, that "the quantities of produce they have on hand is immense. Flour and pork are now selling at twelve shillings the hundred; beef in proportion; any quantity of Indian corn can be had at nine pence per bushel. Three times the quantity of tobacco and corn can be raised on an acre here than can be within the settlements on the east side of the mountains, and with less cultivation."<sup>1</sup> Under such conditions the Kentuckians came to develop a mania for markets, concerning which it has been said, "No Arabs or Tartars travel farther or wider in pursuit of the unfortunate caravans, which break the silence of their frightful deserts, than Kentuckians used to proceed after a market."<sup>2</sup>

The international situation in the West gave a highly political complexion to the Kentuckian's quest for a market, in which dishonesty and secret intrigue were the entering wedges. Washington had early seen the dangers in this situation. "If the Spaniards on their right, and Great Britain on their left, instead of throwing impediments in their way as they now do, should hold out lures for their trade and alliance," he greatly feared the result. He continued, "The western settlers (I speak now from my own observations) stand as it were, upon a pivot. The touch of a feather would turn them any way."<sup>3</sup>

But Wilkinson early saw the possibilities of personal profit and intrigue in such a situation, and was not long in taking advantage of it. His principal reason for coming to Kentucky was to provide, by the devious means he could command, a competency for himself and family. He immediately entered into important commercial schemes and ambitions. Within a year or two after his arrival he had established agents and traders in many parts of the country, and had almost monopolized the salt trade.<sup>4</sup> An idea of the nature and extent of this trade is contained in these instructions to an agent:

"I beg you to proceed with all possible dispatch to the falls. You will call by the lick, and urge the provision of the salt; and prepare some way of conveying it to the river & &. You will make the best of

<sup>1</sup> Green, *Spanish Conspiracy*, 387.

<sup>2</sup> Butler, *History of Kentucky*, 435.

<sup>3</sup> John Marshall, *Life of George Washington* [Philadelphia, 1805-7] quoted in A. J. Beveridge, *The Life of John Marshall* [Boston, 1916-19], III, 282.

<sup>4</sup> Brown, *Political Beginnings of Kentucky*, 91-93.

your way to Nashville, and there dispose of it for cotton, beaver furs, raccoon skins, otter, &c. You must always observe to get as much cash as you can. When you have completed your sales, you will yourself, move with the horses, &c., by land, and commit the other articles, with the barge to Capt. Alexander, with directions to him to proceed up to the falls; there secure the boat and property, and give me the earliest advice of his arrival, by express or otherwise.

"The goods which Capt. Alexander carries down to the falls, I wish you to exchange for horses, or elegant high blooded mares, if you can get great bargains; otherwise, sell them for cash, peltry, or cotton. When you receive the salt, take care to have it measured in a proper honest way,



JAMES WILKINSON, 1757-1825  
(Courtesy of The Filson Club)

with a spade or shovel, and no sifting, &c. One Smith is preparing to go down with two or three hundred bushels from the lower lick. Endeavor to get off before him, and if you can not, persuade him to stay for you; but you must not wait for him a moment, as it will be your interest to arrive before him. You will remember you are going amongst a set of sharpers, and therefore must take care of yourself. Write to by every opportunity, letting me know how you come on. Don't fail in this. God bless you and give you good luck."<sup>6</sup>

This trade, though extensive as it was in Kentucky and down into the Tennessee regions, could not satisfy Wilkinson, when there appeared before him the pleasing prospect of feeding the hungry markets of the Spaniards in New Orleans with the cheapening and accumulating supplies

<sup>6</sup> Collins, *History of Kentucky*, II, 370.

in Kentucky. Other transactions besides establishing commercial relations with the Spaniards were eminently possible, and in fact these former considerations might necessarily have to precede the latter. Wilkinson was equal to any eventuality. He began to break the way as early as 1786, when he made a trip to Natchez and made the acquaintance of Gayoso, the Spanish commandant.<sup>6</sup> The next year, in April, he had so far matured his plans, that he set out down the Mississippi with a number of flatboats laden with flour, bacon, and tobacco. The first obstacle to his journey was Natchez, where many pioneer traders so bold as to attempt to navigate the lower Mississippi had been seized and their property confiscated. But Wilkinson had previously paved the way. After a short perfunctory delay, he was allowed to proceed to New Orleans.<sup>7</sup> On reaching his destination, he with his cargo was seized and held for investigation. He was soon able to secure a conference with Miro, the Spanish governor. All that took place at this conference and subsequent ones is not known, but Wilkinson was allowed to dispose of his cargo, and it has been established that he entered into a commercial and political arrangement with the Spaniards.

In these conferences, Wilkinson laid before the Spanish governor the whole Kentucky situation. A past master at dissimulation and double-dealing, he told of the growing impatience of the Kentuckians on the opening of the Mississippi, how if there were not some relaxation made, they might swarm down on the Spanish domains and take possession of them. Having established this fear in the mind of Miro, he next suggested the possibility of winning over the Kentuckians to a Spanish connection, as perhaps after all the best way to solve this menace to Spanish possessions. This would, of course, mean giving extraordinary powers to Wilkinson and making him a Spanish agent to bring about the desired results. In order to enhance his importance among the Kentuckians, as well as to allay any premature suspicions of his real purpose, he should be given important trading privileges. But Wilkinson explicitly advised the Spaniards against relenting the slightest to the demands of the United States, for in so doing, they would make the Kentuckians contented, who would then seek admission into the Union as a state, and his power and influence would be destroyed. Wilkinson declared that if Spain made a treaty opening the Mississippi it "will destroy the power which Spain now enjoys over the American settlements, and entirely defeat our principal view." As a reward for suggesting this course of action and as compensation for future services, a pension was settled upon him, as well as the trading privileges.<sup>8</sup>

The commercial arrangements were developed by degrees. Miro's first agreement was to allow Wilkinson to send to New Orleans \$30,000 worth of negroes, butter, cheese, tallow, apples, live stock, tobacco, flour, bacon and lard,—the proceeds to remain on deposit there until plans were better matured.<sup>9</sup> To enter into all of these agreements and projects with a stranger and a foreigner on so short notice, seemed perhaps rather fast action to the Spaniards, and was doubtless an agreeable surprise to Wilkinson. To show the Spaniards that his soul and interests were with them, on August 22, 1787, in a rather lengthy document, he took the oath of allegiance to the king of Spain. He set forth how his personal fortune demanded the change of allegiance. He had rendered valuable

<sup>6</sup> Fish, *American Diplomacy*, 76.

<sup>7</sup> W. R. Shepherd, "Wilkinson and the Beginnings of the Spanish Conspiracy" in *American Historical Review*, IX, 490-500; McMaster, *History of the People of the United States*, I, 520, 521.

<sup>8</sup> It must be borne in mind that Wilkinson made the trip to New Orleans before the Spaniards had ever sent agents to Kentucky, or had matured plans concerning it.

<sup>9</sup> Shepherd, "Wilkinson and the Beginnings of the Spanish Conspiracy," 502-506. Wilkinson had asked to be allowed to import \$60,000 worth.

services to the struggling colonies in the Revolution and had seen the successful issue of that contest. "This event," he continued, "having rendered my services no longer needful, released me from my engagements, dissolved all the obligations, even those of nature, and left me at liberty, after having fought for her welfare, to seek my own. Since the circumstances and policy of the United States have rendered it impossible for me to attain this desired object under her government, I am resolved, without wishing them any harm, to seek it in Spain. \* \* \*" <sup>10</sup>

Having disposed of his cargo and entered into these secret intrigues, Wilkinson returned to Kentucky by sea, by the way of the Atlantic seaboard, stopping at Charleston and Philadelphia. He saw the possibilities of the first impressions he should make on his return. He entered Lexington as a conquering hero, in a coach-and-four attended by a retinue of slaves.<sup>11</sup> He had unsealed the great outlet of the west, a task that the national government could not perform. True enough the privileges extended to himself only; but was this not another indication of his power and importance. Opponents were not slow in imputing other motives than merely his desire to aid the Kentuckians in their commerce; but he had brought back results and for the time he carried the day.

He now set about greatly increasing and extending his organization of agents and traders in Kentucky. As the trade had to be carried on with New Orleans under his name, he began the systematic collection of large stores of goods preparatory to shipment. An advertisement for hams, tobacco, and other farm products had been inserted in the *Kentucky Gazette*, even before he returned. It read as follows:

"The subscribers are authorized by General Wilkinson, to purchase tobacco, tallow, butter, well cured bacon, hams, lard, and smoked briskets of beef, to be delivered on the Kentucke at the mouth of Hickman, the mouth of Dick's River and General Scott's on or before the twentieth of January next. The butter and lard to be in kegs not to exceed forty-five pounds net. These articles being intended for a foreign market it is necessary that they be handled in the manner not only to do the seller credit but to recommend our commodities to foreign merchants and make them desirous of engaging in a commercial intercourse with the Western Country. \* \* \* Those who have any of the above articles to dispose of may know the terms by applying to Harry Innes; Horatio Turpin."<sup>12</sup>

Also, he still kept up his salt trade, carrying this on as a means of barter for tobacco and other products that could be sold to the Spaniards.<sup>13</sup>

Wilkinson tried to make himself a factor through whom Kentucky's commercial life should function. He had a special system by which he collected the farmer's tobacco. Assisted in the work by Peyton Short, he sent out circular letters setting forth his method of conducting the business and the terms on which he would receive the tobacco. A considerable blank space was provided with each letter for the names of the farmers and the amounts they promised to deliver. He sent Isaac Shelby one with the request that he start it going and in that way lend his good name and influence to the movement in his community. The circular stated that the purpose was to collect the tobacco at the different towns for shipment to New Orleans or Europe. He argued advantage of large shipments which he was providing: "1000 Hdds: of Tobo in the hands of one man, will stand a much better chance for a good market, than the same quantity in 20 hands at any market, and we know that the privileges and connections of our J. Wilkinson will give us a decided

<sup>10</sup> *Ibid.*, 496, 497.

<sup>11</sup> Marshall, *History of Kentucky*, I, 270-283.

<sup>12</sup> *Kentucky Gazette*, December 15, 1787.

<sup>13</sup> *Ibid.*, September 13, 1788.

advantage over any man who will present himself at that City." He would receive tobacco at fifteen shillings per 100 pounds "to be shipped under the sanction of J. Wilkinson's privileges and engagements," but at the shippers risk.<sup>14</sup>

Of course, the deeper meaning of Wilkinson's trading "privileges and engagements" were not publicly known. The political connection was divorced in these dealings except as to the general effect on the minds of the people. The following is a copy of a public permit, issued to Wilkinson in 1788:

"I, Don Stephen Miro, Colonel of the Royal Armies, Political and Military Governor and Intendent General of the Provinces of Louisiana and West Florida, and Inspector of the Troops, &&, Grant free and full permission to the American Brigadier Don James Wilkinson, settled in Kentucky, to direct or cause to be brought into this country, by inhabitants of Kentucky, one or more launches belonging to him, with cargoes of the productions of that country. Therefore, I command all officers belonging to the government not to offer any hindrance to his voyage; on the contrary they are to render him every assistance that may be necessary."<sup>15</sup>

The extent of the trade, Wilkinson was able to carry on was considerable. Daniel Clark testified that "for some time all the trade from the Ohio was carried on in his name, a line from him being sufficient to insure the owner of the boat every privilege and protection he could desire."<sup>16</sup> A fairly regular commerce was kept up through Wilkinson's connections until 1791, when he re-entered the United States army. A picturesque account of one of Wilkinson's flotillas, with an idea of how he was regarded in his trading ventures was published in an eastern paper in 1789. It follows:

"Our friend General W-k-s-n has fitted out a small fleet, for a second expedition to New Orleans; it consists of 25 large boats, some of which carry three pounders, and all of them swivels, manned by 150 hands, brave and well armed, to fight their way down the Ohio and Mississippi into the gulph of Mexico.

"This is the first Armada that ever floated on the Western waters, and I assure you, the sight of this little squadron, under the Kentucke colours opens a field of contemplation, what this country may expect from commerce at a future day.

"The cargoes consist chiefly of tobacco, flour, and provisions of all kinds, some of which has been packed up in ware houses, this three or four years past; and where it certainly would have remained, had not the General, through his indefatigable enterprise and genius, opened the too long barracaded gates.

"He has been very unjustly censured, by the inconsiderate part of mankind, for having monopolized the Spanish trade, but the more expanded mind acknowledges, that to his penetrating genius, Kentucke stands indebted for having proclaimed its citizens a market, from which the jealousy of our neighbors excluded us this many years past.

"Mr. B——n, our late negociator, and a Spanish gentleman, son-in-law to the Governor of Louisiana, are to accompany the General on this commercial (or as some will have it political expedition.) Our politicians seem silently contemplating on the conduct of the Atlantic States, and wait to hear the fate of Kentucky pronounced by our new Congress."<sup>17</sup>

<sup>14</sup> One of these circular letters, addressed to Isaac Shelby, December 19, 1789, is preserved in the *Draper MSS. Collection* in the University of Chicago Library.

<sup>15</sup> Brown, *Political Beginnings of Kentucky*, 101.

<sup>16</sup> Mary Verhoeff, *The Kentucky River Navigation* [Louisville, 1917], 57.

<sup>17</sup> A letter from Louisville, January 16, 1789, to the editor of the *New York Journal and Weekly Register*, March 15, 1789, quoted in Verhoeff, *Kentucky River Navigation*, 57, 58. Also see McMaster, *History of the People of the United States*, I, 523, 524.

This was one of the most pretentious shows Wilkinson ever made in his commercial dealings in the West. The flags and guns were for a studied effect on the popular mind, unless perchance, the guns might be used to frighten off Indian marauders. Certainly he had no fear of the Spaniards. Most of the trade was carried by groups of two or three flatboats.<sup>18</sup>

The commerce down the river was only a part of the commercial venture as well as the political maneuver. Wilkinson, also, imported up the river from the Spanish domains a considerable quantity of commodities. The Spanish governor hoped to reap much from the possibilities of this up-river trade. He suggested to Wilkinson that he attempt no great profits from this trade, as to do so would nullify the main effects in view. "I have good reason to expect," he continued, "that the arrival of the boats will produce the most agreeable sensation among those people and make them feel more keenly that their felicity depends on the concession of such commercial facilities by his majesty and for the acquisition of which I conceive there are few sacrifices which they would not make."<sup>19</sup>

It has been stated by some that Wilkinson made a fortune out of this trade. Another estimate is that his whole sales amounted, perhaps to \$100,000.<sup>20</sup> It is certainly true that if he grew rich out of this business, he had lost his wealth by 1791; for in that year he entered the United States army mainly for the money he would receive. In 1790 he was writing humiliating letters to his creditors, trying to stave off threatened law suits, until he could get money to meet their claims.<sup>21</sup> The two mules that were brought into Frankfort in 1789, said to have been loaded with money for Wilkinson, were most likely part of a scheme to impress the Lincoln County farmers, who were there to receive money due them for tobacco they had advanced him.<sup>22</sup> But regardless of how much profit Wilkinson was able to make, there can be no question that the economic situation was relieved appreciably by this trade;<sup>23</sup> and to that extent Wilkinson gained influence with the population generally, which he hoped to make ample use of at the proper time.

Wilkinson had no exclusive agreement with the Spanish governor for conducting all the trade in the West with the Spaniards. Even if he should have had such an understanding, it could never have been carried out; for the dishonesty of Spanish officials was notorious. Some private traders were bribing their way through to New Orleans; others were less successful and were seized at the first Spanish port.<sup>24</sup> Often those

<sup>18</sup> As an example, in 1791, Wilkinson shipped one hundred and twenty hogsheads of tobacco to New Orleans on three flat boats in charge of Hugh McIlvain. The invoice for this cargo may be found in the *Innes MSS.*, Vol. 2, 23.

<sup>19</sup> For instance in 1788, a boat with a cargo valued at \$8,000 was brought up from New Orleans. Verhoeff, *Kentucky River Navigation*, 56.

<sup>20</sup> *Ibid.*, 60, 61.

<sup>21</sup> The impression seemed to have prevailed at that time among some, at least, that Wilkinson was reaping a harvest. John Breckinridge wrote in 1790, "We have some speculating Geniuses that are frequently floating to New Orleans and always bringing back bad returns; I leave you to judge of their Success." Letter to Nathaniel Richardson, February 11, 1790, in the *Breckinridge MSS.* [1790] in Library of Congress.

<sup>22</sup> In the money sent Wilkinson on his tobacco transactions in New Orleans was a safe place to include his pension.

<sup>23</sup> A copy of a letter written in Louisville, December 20, 1789, in *Draper MSS. Collections*, says, "Our trade with Spain has been very brisk, for some time past, and promises fair to be more so in the spring of the year. Permits have been granted by the Spanish government at New Orleans, to a number of persons to import flour, wheat, tobacco, and all kinds of provisions." It states that the prices of these commodities have increased considerably since the trade was opened. For further material on Wilkinson's trade see, James Wilkinson, *Memoirs of My Own Times* [Philadelphia, 1816], 3 vols; Daniel Clarke, *Proofs of the Corruption of James Wilkinson*, *passim*.

<sup>24</sup> Andrew Bayard in a letter to Harry Innes, November 14, 1790, describes his



who were able to get through and dispose of their cargoes were prohibited from taking out gold or silver coins.<sup>25</sup> There were other regions in the West than Kentucky for Spain to intrigue with. She had her agents in the different communities in the Tennessee country and further south; and she played fast and loose with the Mississippi as the whim or occasion demanded.

But Wilkinson was the most able and important of all those affected with this western malady. In Kentucky, he found men in the highest official position in the District who condoned, sympathized with, or actively aided him in his politico-economic connections with Spain. Innes was connected with much of what Wilkinson was doing and scheming, and was at one time actively engaged with him in his commercial transactions.<sup>26</sup> The full meaning of Wilkinson's scheme, and the other Kentucky leaders in the movement will appear, when the grand effort was made in the summer and fall of 1788 to sever Kentucky's connection with the Union.

difficulties with some boats bound for New Orleans. He says they stuck on the rocks at Louisville where they remained for two weeks, and that he had to pay laborers twenty English pounds to aid in removing them. *Innes MSS.*, 19, No. 38. During 1789 and 1790 the rates charged by Spain on goods from United States [including Kentucky] were 20 per cent *ad valorem*; and for continuing on with them out of Spanish territory again, an export duty of 6 per cent was exacted. *Innes MSS.*, 19, No. 63.

<sup>25</sup> *Ibid.*, 19, No. 61.

<sup>26</sup> In the famous Street-Innes trial, the connection Innes had with Wilkinson and the Spaniards was gone into. Much of the evidence as to the actual guilt was fragmentary and circumstantial. Richard Thomas in an affidavit admitted going to New Orleans some time in 1787 or 1788 on business for Wilkinson and Innes, but never heard the latter say any thing about a Spanish connection. *Innes MSS.*, 18, No. 38. Scattered through the *Innes MSS.* are fugitive letters and other documents, showing that Innes had a close connection with Wilkinson during this period.

## CHAPTER XXI

### THE SPANISH PLOT—THE SIXTH CONVENTION

The next step in the movement for statehood was the election and meeting of the convention called for July [1788]. As has been noted, throughout the year 1787 and following, Wilkinson had been insidiously gaining an influence over the Kentuckians through that method that touched the people closest, their economic welfare. During this same period other events of great interest to Kentuckians were happening in Philadelphia. After four months of deliberations, the Constitutional Convention finished its labors in September [1787] and submitted to the states of the old Confederation a new constitution. The people west of the mountains had not been unmindful of what was going on in the East. A new national government might be stronger and more considerate of the needs of the West, or it might prove otherwise. In the summer of 1788 the Kentuckians were given a chance to register their decision on the question.

As a part of Virginia, the District of Kentucky was given fourteen delegates to the convention called to determine Virginia's attitude on the new framework of government. Before the time for the Kentucky elections, the people had been played upon by their leaders and their very circumstances to such an extent that very few were in favor of the new document. Harry Innes wrote John Brown in February, 1788, that he was certain that "if the Constitution is adopted by us that we shall be the mere vassals of the Congress and the consequences to me are horrible and dreadful."<sup>1</sup> As a result of these feelings, Kentucky sent to the Richmond convention what was supposed to be a solid delegation of opposition. Madison had early seen the dangers to Virginia's ratification lurking in the Virginia counties west of the mountains. He wrote Washington, "Kentucky has been extremely tainted and is supposed to be generally adverse, and every possible piece of address is going on privately to work on the local interests & prejudices of that and other quarters."<sup>2</sup>

The convention met and the fight was soon on. Madison was among the leaders for ratification; Patrick Henry ably led the opposition. Both factions seemed to believe that the Kentucky delegation held the balance of power. Madison declared that "The only danger I apprehend is from the Kentucky members; and one consideration only has any weight with them: a fear that if the new government should take place, that their navigation would be given up."<sup>3</sup> The Kentucky delegation immediately became the object of every species of argument and intrigue. Patrick Henry played effectively on their fears that the navigation of the Mississippi might be sacrificed by the new government. He played this argument in season and out. With all of his power of oratory he pictured the West teeming with industry and wealth. He then turned to the other side of the picture, and showed a region deserted and in desolation and ruin. Skillfully playing on the desires and hopes of the Kentucky delegates, he bent his argument so as to leave in their minds the impression

<sup>1</sup> *Innes MSS.*, 28. Letter dated February 20, 1788, written from Danville.

<sup>2</sup> Beveridge, *Life of John Marshall*, I, 384.

<sup>3</sup> *Writings of James Madison*, V, 115.

that the former picture would come true if ratification were defeated; but if this new government should be established, then the Mississippi would never be opened, and the worst must come.<sup>4</sup> Henry was here using a dangerous weapon on the Kentuckians, and he can not be wholly freed from blame for much of what was afterwards said and done in Kentucky.

The friends of ratification argued the strength the new government must have and the certainty that it would immediately set about securing the right to the Mississippi as well as redressing other Kentucky grievances. They showed how Kentucky had received nothing from the old Confederation government, and that the new government could scarcely do less for the West than the old had done. George Nichols, who was soon afterwards to become a resident of Kentucky, said, "I think that Kentucky has nothing to expect from any one state alone in America. She can expect support and succor alone from a strong, efficient government, which can command the resources of the Union when necessary. She can receive no support from the old Confederation. Consider the present state of that country. Declared independent of Virginia, to whom is she to look for succor? No sister state can help her. She may call upon the present general government; but whatever may be the wish of Congress, they can give them no relief. That country contains all my wishes and prospects. There is my property and there I intend to reside. I shall be averse to the establishment of any system which would be injurious to it. I flatter myself that this government will secure their happiness and liberty."<sup>5</sup>

But little headway could be made against the effects of Patrick Henry's fervid oratory on the open Mississippi. On the eve of the final vote Madison became apprehensive that ratification might fail. He wrote Hamilton, "If we have a majority at all, it does not exceed three or four. If we lose it Kentucky will be the cause; they are generally if not unanimously against us."<sup>6</sup> On the final vote, only three of the Kentucky delegates stood for ratification. They were Robert Breckenridge, Rice Bullock, and Humphrey Marshall; and these undoubtedly voted against the wishes of their constituents.<sup>7</sup> Thus was the discontent of the Kentuckians increased. They had not only not yet been able to obtain separation from Virginia; but now they were to be tied, as the tail of the Virginia kite, to a new governmental arrangement, which they had almost unanimously tried to defeat.

But in the meantime, other concerns of more vital interest to Kentuckians than ratification of the new constitution were agitating them. As has already been stated, one of the acts of the fifth convention was to request Virginia to appoint a Kentuckian on the Virginia delegation in the Congress of the Confederation. Anxious to please and to pacify, she designated John Brown, one of the Kentucky members of the General Assembly. On the convening of Congress, which proved to be the last under the old Confederation, Brown appeared to press the fifth convention's petition for admission into the union. But the old Confederation government in all its parts had by this time fallen so completely into disrepute, that for months no quorum could be obtained. But delay was fatal to Kentucky's petition, since Congress must give its permission, according to the Virginia compact, before July 4 [1788]. Finally when a quorum arrived, most of the representatives felt that

<sup>4</sup> Beveridge, *Life of John Marshall*, I, 430-432.

<sup>5</sup> *Debates of the Several State Conventions on the Adoption of the Federal Constitution* \* \* \* with the *Journal of the Federal Convention* \* \* \* [Washington, 1836], Edited by J. Elliott, III, 360, 361.

<sup>6</sup> Beveridge, *Life of John Marshall*, I, 434.

<sup>7</sup> Brown, *Political Beginnings of Kentucky*, 106; *Proceedings of the American Historical Association*, V, 360. Two of the Kentucky delegation did not vote.

the old Confederation in a dying gasp, should not enter into any business that might well be taken care of by the new government. On February 29, Brown started his proceedings by presenting the whole situation in Kentucky, to Congress in a long speech. The question thus set going was in March stifled in a committee, and for over two months Brown was unable to get definite action. On July 2, the committee of the whole recommended the passage of an act assenting to Kentucky's separation from Virginia and the admission of the new state into the Union. One month later such an act was on the verge of passing, when a report reached Philadelphia that New Hampshire had ratified the federal constitution, making the ninth state, and, thus, putting an end to the old Confederation. Further action was dropped. On the following day, the whole question was ended in the adoption of a recommendation to the new government that it admit Kentucky into the new Union.<sup>8</sup>

The decadence of Congress and the near approach of the new federal government cannot be held wholly responsible for the failure of Kentucky to get permission for statehood. Brown in his unflinching efforts to advance the statehood question was balked by that Eastern hostility to the West and its growing influence, that had so effectively played into the hands of certain leaders in Kentucky who had been urging that there should be an end to forbearance and that some decided action should be taken. A sectionalism between North and South was also rearing itself in this question. Brown said he was baffled by the group of Northern representatives who argued that to admit Kentucky would be to give the South a greater influence, and that either Vermont or Maine should enter the Union to offset Kentucky.<sup>9</sup> This idea of balancing the sections was contained in a verse that went the rounds of the day:

"Kentucky to the Union given,  
Vermont will make the balance even,  
Still Pennsylvania holds the scales,  
And neither South nor North prevails." <sup>10</sup>

Balked as it seemed at every turn, the Kentuckians in the summer of 1788 began to make preparations for the assembling of their sixth convention, which was widely believed would be the last. Thoughts on the contents of a constitution were beginning to be exchanged, greatly aided by the contributions appearing in the *Kentucky Gazette*. An organization that was playing an important part in formulating ideas into constitutional provisions was a group of men who were organized during the latter part of December of 1786 and came to be known as the Danville Political Club. This club was so closely identified in its membership with the successive conventions, that it can almost be called a secret caucus of those assemblies. Men who became its members formed more than one-fourth of the representatives to the first convention [1785]; seven out of twenty-six in the second convention [1785]; and ten out of thirty-eight in the fifth convention [1787]. Among its members were Harry Innes, Christopher Greenup, John Brown, Thomas Todd, George Muter, Samuel McDowell and Benjamin Sebastian. Its membership was exclusive; not all who asked admittance were received.<sup>11</sup>

It was a training school for the future statesmen of Kentucky. Its method of debate was for two members to open the discussion on each side, and then the floor was free to all who cared to speak.<sup>12</sup> Its mem-

<sup>8</sup> Brown, *Political Beginnings of Kentucky*, 112-120, 139-144.

<sup>9</sup> Green, *Spanish Conspiracy*, 170.

<sup>10</sup> J. Schouler, *History of the United States of America* [New York], 1908, Revised Edition, I, 164.

<sup>11</sup> Thomas Speed, *The Political Club, Danville, Kentucky, 1786-1790* [Louisville, 1894], 100, 101. All the minutes extant are found here.

<sup>12</sup> *Ibid.*, 105.

bers were required to be above reproach. According to its constitution, "The club shall have power to enquire into any irregularity of its members, and if it shall appear on inquiry that any member has behaved himself beneath the character of a gentleman, or shall misbehave at any meeting," he should be expelled or punished otherwise as the club should direct.<sup>13</sup> Besides its discussions on constitutional questions, it frequently entered into other considerations. It discussed the culture of Tobacco in the district and decided that such agriculture would not be beneficial to the citizens. It decided that intermarriage with Indians would not be desirable, and seriously discussed the question of polygamy in a free country.

The club followed closely the problems that were besetting the district. The first question it debated was "Whether the immediate navigation of the Mississippi River will contribute to the interest of this District or not." Its decision was in the negative.<sup>14</sup> This decision is rather remarkable, unless the word *immediate* is given particular significance, and then the club's action shows dignity and conservatism. However, under this interpretation, its decision was radical in a later discussion, for in 1787 it discussed and decided in the affirmative the question "Whether it will be to the advantage of this District immediately to separate from the government of Virginia and become an independent State or not?"<sup>15</sup> It also debated the terms of the First Enabling Act and voted that they should be accepted.<sup>16</sup> The members of the club reached out in their vision of the West and its political arrangements. They discussed and decided affirmatively the query, "Would it be to the interest and future policy of this District, should a separation from the State of Virginia take place, to admit the inhabitants of Cumberland to unite with them in government?"<sup>17</sup>

But the sustaining interest of the club was its frequent considerations of the fundamental principles of government. Major Beatty passed through Danville in 1787 and made the following note on the club in his diary: "Very much disturbed by a Political Club which met in the next house where we slept and kept us awake until 12 or 1 o'clock. This club is very commendable in a new country. It is composed of members of the most respectable people in and about Danville, who meet every Saturday night to discuss politics. Some pretty good speeches and some tolerably good arguments made use of last night. The dispute was: One side insisted that an Act of Assembly was not law when it did not perfectly agree with the Constitution of the State. It was opposed by the other party and a very long debate took place."<sup>18</sup> At various times it discussed, whether annual elections were better than less frequent ones, whether there should be one or two branches to a legislature, what ought to be the powers of a second branch, and whether the emission of a paper currency would be injurious to the District. This last question was decided in the affirmative. Besides devoting thought and discussion to isolated provisions of a constitution, the club at one time appointed a committee to draw up a constitution and a bill of rights which would be suitable for Kentucky.<sup>19</sup> When the Federal Constitution was given out by the Philadelphia Convention, the Danville Political Club secured a copy and proceeded to discuss it in its meetings for four months. It literally tore it to pieces, and patched it up with numerous amendments and suggestions. It recommended a bill of rights.

<sup>13</sup> Speed, *Political Club*, 103.

<sup>14</sup> *Ibid.*, 102.

<sup>15</sup> *Ibid.*, 106, 107, 111.

<sup>16</sup> *Ibid.*, 111, 112.

<sup>17</sup> Speed, *Political Club*, 134, 136, 137.

<sup>18</sup> Speed, *Political Club*, 33, 34.

<sup>19</sup> *Ibid.*, 118.

Thus the leaders of affairs had been training themselves for constitution-making on dummies and other people's productions; while the great body of the people read in the *Kentucky Gazette* or heard discussed what the others wrote. The convention, called for July [1788], it was thought, would produce a constitution. But the campaign preceding this convention was not concerned wholly with the considerations as to what ought to go into the new constitution. The advisability of separating from Virginia had never yet been unanimously established. There was always enough opinion short of unanimity to keep a lively discussion going. A correspondent to the *Kentucky Gazette*, signing himself "A Virginian" stood out against separation, re-affirming all the old arguments and advancing new ones. He soon found himself in a minority in the battle of words that raged for some time. He was beset on all sides, some using arguments to meet him, while others dispensing with reason heaped on villification. In fact, this method of meeting an argument became all too prominent among most of the public men of the District.<sup>20</sup> This condition led "A Farmer" to write the editor of the *Kentucky Gazette* to suggest that the paper was established to give the politicians a chance to enlighten the people on the question of separation, "but I fear what we farmers suspect is too true, namely, that our greatest politicians are not true patriots—when we wish them to answer our doubts respecting matters of the greatest moment to us they set to quarrelling & abusing one another like a parcel of old women:—we must now submit to the separation right or wrong; but many of us would have been better satisfied, had they but told us the reasons why such measure was necessary—as we plow the ground from whence they get their bread, I think it is as little as they can do to give us all the information their pens and your press can afford, if it was merely to keep us in good humour."<sup>21</sup> He then proceeded to ask information on the probable contents of the new constitution.

The political atmosphere in Kentucky was highly charged on the meeting of the sixth convention in Danville on July 28, 1788. Wilkinson's secret machinations and public influence had been having their effect; while the adoption of the Federal Constitution against almost the solid opposition of Kentuckians had not increased their love for their present political connections. But in the face of all these influences, came the intelligence on the eve of the meeting that Congress had refused to grant Kentucky admission into the Union. This intelligence was contained in a letter from Brown to Samuel McDowell, the president of the convention.<sup>22</sup> Baffled for three years through five conventions, Kentucky received this news with despair. The convention now found that the only purpose for which it had assembled had been thwarted by Congress, and that legally it was now powerless. With the mood they were in, they had no thoughts of using the simplest remedy of adjourning *sine die*, and leaving the next step for statehood to be born of the future.

At the same time Brown wrote concerning the action of Congress, he also wrote George Muter concerning certain advances Gardoqui, the Spanish minister, had made to him. He said "that if Kentucky will declare her independence and empower some proper person to negotiate with him, that he has authority and will engage to open the navigation of the Mississippi. \* \* \*" He added, however, that Gardoqui had stated "that this privilege can never be extended to them while part of the United States" on account of certain trade obligations. Brown said he had the permission of Gardoqui to mention these proceedings to a few friends in Kentucky.<sup>23</sup> Here was a clever move made by the Spanish

<sup>20</sup> *Kentucky Gazette*, October 13, 1787, *passim*.

<sup>21</sup> *Kentucky Gazette*, February 2, 1788.

<sup>22</sup> Collins, *History of Kentucky*, I, 267.

<sup>23</sup> Green, *Spanish Conspiracy*, 170. Letter dated July 10, 1788.

representative in the most opportune time he could have hoped for. With the convention powerless legally to turn in any direction, the possibilities of the Gardoqui proposition, struck with great force. If Congress would not have Kentucky as a state in the Union, then she must be thrown largely on her own resources, and she would not turn aside without some investigation and consideration of so tempting an offer.

This was also a propitious day for James Wilkinson. Events were steadily playing into his hands. Although the Gardoqui conversations with Brown were separate and apart from his intrigues with the authorities in Louisiana, they all led to the same conclusion. Kentucky was now at the parting of the ways; and Wilkinson was intent on seeing that she took the road that led to absolute independence from the American Union and to some kind of a connection with the Spaniards. Wilkinson had been preparing for just this day throughout the past year. On May 13 [1788] he wrote Miro concerning his preparations:

"I will in the meantime, inquire into the prevailing opinions, and shall be able to ascertain the extent of the influence of the members elected. When this is done, after having previously come to an understanding with two or three individuals capable of assisting me, I shall disclose so much of our great scheme as may appear opportune, according to circumstances, and I have no doubt but that it will meet with a favorable reception; because although I have been communicative with no more than two individuals, I have sounded many, and whenever it has seemed expedient to me to make known your answer to my memorial it has caused the keenest satisfactions."

The two men referred to as having been taken into his counsels were Harry Innes and Alexander S. Bullitt.<sup>24</sup> In this same letter Wilkinson outlined the mode of procedure he would follow:

"Thus, as soon as the new government should be organized and adopted by the people, they will proceed to elect a governor, the members of the legislative body and other officers, and I doubt not but they will name a political agent to treat of the affair in which we are engaged, and I think that all this will be done by the month of March next. In the meantime, I hope to receive your orders, which I will do my utmost to execute. I do not anticipate any obstacle from Congress, because, under the present federal compact, that body can neither dispose of men nor money, and the new government, should it establish itself, will have to encounter difficulties which will keep it weak for three or four years, before the expiration of which, I have good grounds to hope, that we shall have completed our negotiations, and shall have become too strong to be subjected to any force which may be sent against us."

All the different forces of intrigue and discontent were now bent in the same direction regardless of motives. What power was there to prevent the convention from going ahead and performing the work it had been elected to do, viz: to form a constitution? Congress had been given notice by the previous convention of the dangers that lurked, if statehood were not granted, when in its address it declared that "so great are our present sufferings which must grow with our growth and increase with our population that should we be unsuccessful in this application, we shall not consider ourselves in any manner answerable for the future conduct of our constituents."<sup>25</sup> Soon after this address was issued, Innes had written Brown that he would "discover a sentiment in the Address which plainly leads to this point that if our application is rejected we shall scarcely trouble Congress with a second deliberation on the subject.  
\* \* \* Congress could not then plead her ignorance of our inten-

<sup>24</sup> Green, *Spanish Conspiracy*, 129, 130. Wilkinson makes this statement in his letter.

<sup>25</sup> *Kentucky Gazette*, February 23, 1788.

tions."<sup>26</sup> Brown, who was supposed to have the best understanding of affairs of the nation in the East, left the distinct impression with the convention that it was the implacable hostility of Congress and the East that had thwarted Kentucky's efforts. He unduly magnified this side of the question, to the virtual exclusion of a proper explanation of extenuating circumstances. He had a purpose in this. His desire was to create a frame of mind in the convention, which would make it easy for him to have it proceed to the consideration and adoption of a constitution and a declaration of independence regardless of acts and compacts of Congress and Virginia. With Kentucky standing alone, she would be in a position of vantage, to demand speedy admission into the Union or to sever all ties with the national government and treat with Spain.<sup>27</sup>

The main question before the convention was whether it would go ahead and frame a constitution and declare its independence, or provide for some future action and adjourn.<sup>28</sup> Wilkinson's plan fitted in distinctly with the formation of a constitution as the first step. This would be the first move in the direction of his Spanish connection. The debate centered on this question through long and stormy sessions. Wilkinson, Wallace, Innes, and Sebastian in varying degrees of the same purpose, wanted to proceed with the constitution for it meant the end of delay and the beginning of a bold and decisive course. All were not equally agreed as to where it would lead. The fight was opened by the introduction of "A resolution, declaring that the powers of this convention so far as depends on the acts of the Legislature of Virginia were annulled by the Resolutions of Congress, and resolving that it was the duty of this convention as the representatives of the people to proceed to frame a constitution of government for this district, and to submit the same to their consideration with such advice relative thereto as emergency suggests. \* \* \*"<sup>29</sup>

All the forces of regularity and conservatism in the convention rallied under the leadership of John Allen, Ebenezer Brooks and others to defeat this resolution. They too clearly saw the significance of this move. When the vote was taken the motion was lost. This was the first distinct setback to Wilkinson's plot to take Kentucky out of the Union. But Wilkinson's party was not yet willing to give up the fight for quick action. A motion was, then, introduced providing for each militia captain to take a poll of his company as to the best course to be pursued. The forces of opposition were also able to defeat this move.<sup>30</sup>

Although these two motions had been defeated by the "law and order" party, it did not indicate that all of those voting for the defeat of these measures were equally opposed to some action that pointed to quick and definite results. The final action of the convention was almost as radical and decisive as any course its previous efforts had been directed toward. The only degree of difference was not in the ultimate goal that might be reached, but only in the time when the start should be made and the

<sup>26</sup> *Innes MSS.*, letter dated December 7, 1787. The Fourth of July, the day following the dashing of Kentucky's hopes by Congress, was celebrated "with the greatest festivity" in Lexington. One of the toasts offered was: "May the Atlantic States be just, the Western States be free and both be happy." *Kentucky Gazette*, July 5, 1788.

<sup>27</sup> Green, *Spanish Conspiracy*, 180-182. For a detailed discussion of Brown's dealings with Gardoqui, see *Ibid.*, 149-179. A short sketch of the life of Brown may be found in Collins, *History of Kentucky*, II, 253.

<sup>28</sup> In his letter to Muter, July 10, 1788, Brown said the main question was "Whether or not it will be more expedient to continue the connection with the State of Virginia or to declare their independence and proceed to frame a constitution of government." He believed the latter solution was generally expected. Green, *Spanish Conspiracy*, 170.

<sup>29</sup> Brown, *Political Beginnings of Kentucky*, 175-182; Green, *Spanish Conspiracy*, 182, 183.

<sup>30</sup> Green, *Spanish Conspiracy*, 197.



manner in which it should commence. The party of precipitate action was defeated to the extent that the people were given another chance to register their will in the election of a new convention. Wilkinson was not finally defeated, but merely delayed.

The new convention was called to meet in the following November [1788] and to continue in power until January 1, 1790. The people in electing their representatives were to be understood as delegating "full powers to take such measures for the admission of the district, as a separate and independent member of the United States of America; and the navigation of the Mississippi, as may appear most conducive to those purposes; and also to form a constitution of government for the district and to organize the same, when they shall deem necessary; or to do and accomplish whatsoever, on a consideration of the district, may, in their judgment, promote its interests."<sup>81</sup>

It would be difficult to formulate a resolution giving a body wider or more absolute powers. The clever admixture of certain phrases like the admission of the new state into the American Union was used as a cloak for such absolute powers, without even the necessity of referring action back to the people, as "to do and accomplish whatsoever \* \* \* may \* \* \* promote its interests." The reference to the navigation of the Mississippi could not possibly have had any other meaning than a fore-runner to a Spanish deal. The lease of power provided for the coming convention was extraordinary, eminently fitting with the powers it was to possess. In the light of the powers asked for, it would be the supreme ruler of Kentucky for the next fourteen months. Within that time, if ever, it was believed Kentucky could be landed into a Spanish alliance. Indeed, as one member exclaimed, "Our Political era is at hand!"<sup>82</sup>

<sup>81</sup> MSS. *Journal of the Convention*. The original journals of the last five conventions [6th, 7th, 8th, 9th and 10th] are preserved in the *Durrett MSS. Collection*.

<sup>82</sup> F. J. Turner, "Western State-Making in the Revolutionary Era" in *American Historical Review*, I, 76-81.

## CHAPTER XXII

### THE DEFEAT OF THE SPANISH CONSPIRACY—THE SEVENTH CONVENTION

Kentucky was only an important link in the chain of Spanish intrigue that was forged to bind all the West to Spain. Sympathies, purposes and outlooks were as varied as the complicated western conditions could afford. Men plotted along different lines in the interest of the same foreign power at different times and at the same time. Different foreign powers moved and countermoved and checkmated one another in the tangled web, where confusion was worse confounded not only by the different nations concerned, but by the varying and sometimes contradictory purposes of the same nation simultaneously. There could, therefore, be no solidarity of sentiment or opinion throughout the West under such conditions. Instead, there grew up varying shades of opinion expressed in more or less well-defined party followings. Just as conditions that produced the parties were highly unstable, so were the parties. They were born with some particular plot, flourished for a time, and passed out of existence with the petulant whims of a people groping for their just rights.

At one time or another during this general period there were a half dozen shades of opinion that were stable long enough and of wide enough extent to command a small party following a strong and persistent group, headed principally by Wilkinson in Kentucky, would cut loose from the American Union, form a new government, and make an alliance with Spain. Another group of virile men would solve their chief difficulty on the navigation of the Mississippi by boldly marching down and seizing the lower end of the Valley and dispossess Spain altogether. A third group, which had very little popular following, stood out for the complete annexation of the country to Spain. A fourth party, widely differing from the preceding ones, received its inspiration from French sources; it hoped that France would be able to acquire Louisiana again and extend its authority over the remainder of the Mississippi Valley. A fifth shade of opinion of no great importance stood out for independence and alliance with Great Britain. The last group was the largest. It had the latent power that was later to develop into a full fruition of patriotism toward the National Government. This party stood for an unaltered connection with the National Government and an untiring fight to force Congress to secure the free navigation of the Mississippi.<sup>1</sup> This last party opinion represented the great backbone of the population, the important residue that always remained after, the fringes had been carried away for so long a time as men, conditions and an uncontrollable impatience conspired together.

In Kentucky there was never at a given time opinions wide enough and strong enough to be moulded into all of these party groups. At one time or another, however, all of these opinions and sympathies found expression in varying degrees. During the interval between the adjournment of the sixth convention in September, 1788, and the meeting of the

<sup>1</sup> McMaster, *History of the People of the United States*, I, 519; Fish, *American Diplomacy*, 73.

seventh in November following, the climax of party animosity induced by foreign intrigue was reached in Kentucky. This was the campaign for the election of delegates to the forthcoming convention. At this time the party designations were *Court Party* and *Country Party*. The former was made up of varying sentiments and opinions, all of which, however, represented an impatience with the course of seemingly interminable delay. It stood for immediate action. Its most radical leader was Wilkinson, whose purposes and opinions must not be imputed to the party at large. Other leaders with varying attitudes toward Wilkinson were Sebastian, Innes, Brown and Wallace. The *Country Party* represented conservative opinion. The opponents of separation, as well as those in favor of separation but opposed to illegal or precipitate action, were grouped under this name. The *Federalist Party* had its inception in this group. Some of the leaders of this party were Ebenezer Brooks, Joseph Crockett, George Muter and Thomas Marshall.

The campaign and election for the seventh convention (to meet in November, 1788), was hard fought and bitter. Wilkinson was anxious to force a decision in this campaign and in the convention following which would determine the success of his Spanish plot. He had for some time been working assiduously among the people, and professed to the Spaniards a belief that he was on the verge of success. Miro, in a letter to his government in Madrid, said of Wilkinson that "he further declared that he has come to this conclusion from having heard it expressed in various conversations among the most distinguished citizens of that State: that the direction of the current of the rivers which run in front of their dwellings points clearly to the power to which they ought to ally themselves. \* \* \*"<sup>2</sup> There was always the danger to Wilkinson's cause that he, himself, would prove its greatest enemy. He at times became so open in his plans as to frighten the substantial element that professed to follow the *Court Party* leaders.

The old issue of the advisability of separation arose again during this campaign, and was discussed at as great a length and bitterness as ever before.<sup>3</sup> Ebenezer Brooks, writing under the name of "Cornplanter," brought out again in the *Kentucky Gazette* the usual arguments against separation. He especially stressed the point that statehood could not possibly give the people better protection against the Indians, for the country north of the Ohio River, from whence the Indian raids came, belonged to the United States Government and, therefore, could not be invaded by Kentucky troops without permission. He also used the effective argument that a new state government would greatly increase taxes. One opponent of statehood declared that the people ought to be allowed to decide on the question of separation. The answer was returned to this argument that the convention was elected for the very purpose of determining that question.<sup>4</sup> The usual arguments for separation were run in a series of articles by "Poplicola."<sup>5</sup>

The friends of the new Federal Constitution believed there was also being made an attempt to discredit that document by the contemplated action of the *Court Party*. A long poem of eleven stanzas appeared in the *Gazette* representing a plot as being hatched in Hades under the leadership of Satan to destroy this new instrument of government. Satan is represented as saying:

<sup>2</sup> Charles Gayarré, *History of Louisiana* [New Orleans, 1903], III, 212. Dated June 15, 1788, referring to Wilkinson's letter of May 15, 1788.

<sup>3</sup> *Kentucky Gazette*, September, October, *passim*, 1788.

<sup>4</sup> *Ibid.*, September 13, 1788.

<sup>5</sup> *Kentucky Gazette*, October 11, *passim*, 1788.

"Then attend ev'ry fiend,  
 To my sov'reign command;  
 Wing away to the earth,  
 And destroy in their birth,  
 The effects of the federal convention.  
 Cast a mist o'er the eyes  
 Of the virtuous and wise,  
 And depend on a sure retribution;  
 For all hell will exert  
 Its whole force to subvert  
 This grand failure, the new constitution."<sup>6</sup>

The extraordinary powers that had been recommended for the coming convention by the Assembly in September began to cause people to take fright. It was often asked just what those powers included, and if the convention were elected on those recommended powers, what it might do. Some would have their representatives instructed as to what they should do and what they should not do. These fears were brushed aside by the Court Party leaders with the answer that the November convention would have no more power than preceding ones, and that, furthermore, the convention must of necessity have a better grasp of affairs than the ordinary voter and must, therefore, be better able to make these decisions. This reasoning did not quiet the disturbed feelings of "An Inhabitant of Kentucky," who maintained that "notwithstanding the Convention may have the matter more fully investigated than the people at large, and possibly might form a better opinion; yet the decision may not be agreeable to the will of the people."<sup>7</sup> There was the distinct feeling among many in this campaign that something unusual was being asked for in these powers, and that the uncertainty of what might be done by the convention so empowered should be checkmated as far as possible. The reticence maintained by the Court Party leaders on this aspect of the campaign, or their attempts to brush it aside as inspired by groundless fears, was far from reassuring to those conservatively inclined.

A sensation was created throughout the District, and a new turn was given to the campaign by the appearance of a long letter in the *Kentucky Gazette* on October 15, over the name of George Muter. Muter, having some time previously moved away from the influence of his Danville surroundings, had now come to side with the conservative party. Thomas Marshall, a staunch conservative and member of the Country Party, undoubtedly played a part in Muter's conversion.<sup>8</sup> This letter boldly repeated the fears that had been fugitively expressed during the campaign. It roused the people to the great dangers that threatened them, if they elected an untrammelled convention. There were sinister influences at work that might commit Kentucky to a course that the great majority of the people could not approve. He declared that if they intended to vote separation from Virginia, they would be doing an illegal act, as Virginia had that very year passed a law which prohibited any group of persons from setting up a new state within her boundaries without her consent. It would be in direct and flagrant violation of the Constitution of the United States, which specifically says: "No new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed out of the juncture of two or more states without the consent of the legislature of the states concerned, as well as of Congress." The Federal Constitution also prohibits the states

<sup>6</sup> *Kentucky Gazette*, October 4, 1788.

<sup>7</sup> *Ibid.*, October 25, 1788.

<sup>8</sup> W. H. Whitsitt, *Life and Times of Judge Caleb Wallace* [Louisville, 1888], 115.

from entering into any treaties or alliances with each other or foreign powers. There is, therefore, no possibility of the convention legally taking the slightest action toward securing the navigation of the Mississippi; but there is strong implications that illegal action of some kind is contemplated by means of an attempt to treat with Spain. Muter showed in this argument the impossibility of the convention legally taking any action other than by the method heretofore pursued, of seeking an enabling act from Virginia and permission from Congress to enter the Union. He closed his letter with the following advice:

"It is therefore submitted to the consideration of the inhabitants of Fayette, whether it may not be necessary in their instructions to their delegates, to direct them not to agree to forming a constitution and form a government and organizing the same, till the consent of the legislature of Virginia, for that purpose, is first obtained, not to agree to make any application whatever to obtain the navigation of the Mississippi, other than to the legislature of Virginia and the Congress of the United States, to draw up and forward to the assembly of Virginia, a memorial requesting them to alter their acts for the separation of this district from Virginia, that the same be brought before the Congress of the United States in the manner directed by the federal constitution, and to request them to organize the convention by law, to form a constitution of government and to organize the same; or direct a new convention to be chosen, to continue in office a reasonable time, and to be vested with those powers.

"To forward to the assembly of Virginia, and the Congress of the United States (if they judge proper and necessary) a decent and manly memorial requesting that such measures may be pursued by Congress, or that Virginia will use her influence with Congress to take such measures as shall be most likely to procure for the people of the western country the navigation of the Mississippi."<sup>9</sup>

This letter had the effect of a bombshell exploding in the camps of the opposition. It was a forceful reminder to Wilkinson that he had exposed too much of his plans for the safety of his election. It also gave the people a program for concerted action. In many cases the delegates were made to give the explicit promise to obey certain instructions given. The greatest effect of Muter's letter was to put the people on their guard, crystallize their thoughts and ideas on the methods that should be pursued, and with these exert a vital influence over the convention. The fact that the assembly followed very closely Muter's suggestions in his letter to the people is, to say the least, significant.<sup>10</sup>

In the election Wilkinson came very near defeat. Running on the ticket in Fayette County with four associates, he alone was able to nose through. This was largely due to his engaging personality and to the great influence he had been able to build up for the past four years. But even with these assets he would likely have been defeated had he not made promises during the last days of the election (elections extended over a period of five days) that he would act according to the instructions of the people. There was undoubtedly a considerable element of people who, because of their opposition to separation, became disgusted with the idea of holding a convention, and, in order to show their opposition refused to vote at all. The charge was made that not over 500 votes were cast in Fayette, when the whole number of voters was 3,500. It was therefore argued that the convention did not represent the people and whatever it did would be tyrannical and un-American.<sup>11</sup>

<sup>9</sup> *Kentucky Gazette*, October 15, 1788. A copy of this letter is given in Green, *Spanish Conspiracy*, 211, 212.

<sup>10</sup> Green, *Spanish Conspiracy*, 214, 215.

<sup>11</sup> *Kentucky Gazette*, November 15, 1788.

In November the convention met; it was a notable gathering of Kentuckians. It had been looked forward to by plotters, intriguers and patriots—conservatives and radicals alike—and by the great mass of the people as the climax in their struggle. Now they expected to have an end put to the conditions that had kept them in turmoil for the past four years. It was therefore fitting that her best patriots, as well as her best plotters, be present if the question was to be finally settled. Among those present were Samuel McDowell, John Brown, Sebastian, Innes, Thomas Marshall, Muter, Crockett, Greenup and John Logan.<sup>12</sup> The bitter struggle that was to characterize this convention began at the very outset. The powers of the convention came up for discussion among the very first points. The conservative men, consisting of such representatives as Muter, Marshall, Edwards, Allen, and Crockett, maintained that the only power the convention possessed was to proceed to apply to Virginia for statehood with whatever addresses they cared to make. The party of immediate action—among those leaders were Wilkinson, Brown, Innes and Sebastian—claimed that this convention was the body called into existence through the action of the last convention, and that it must of necessity have the powers contained in the general resolution of final action. They therefore had whatever powers were necessary for the well-being of the district.<sup>13</sup> The convention, however, did not tarry long on a discussion of what it could do; certain leaders in it would prove what could be done. The resolution of Congress concerning Kentucky's admission was referred to the committee of the whole without opposition. The next move was to bring before the body the previous convention's recommendation concerning the navigation of the Mississippi. This was done by a motion to refer it to the committee of the whole. Here a sharp debate ensued, as the conservative members feared to set the convention going on business that they believed had no place in its deliberations. But the motion to refer carried by a considerable majority, thus indicating the relative strength of the two groups of opinion. Wilkinson became bold enough in this debate to intimate the feasibility as well as desirability of taking the whole Mississippi question in their own hands and going to Spain for a conference. He declared that "Spain had objections to granting the navigation in question to the United States; it was not to be presumed that Congress would obtain it for Kentucky, or even the western country—her treaties must be general. There was one way, and but one, that he knew of obviating these difficulties, and that was so fortified with constitutions and guarded with laws, that it was dangerous of access and hopeless of attainment under present circumstances. It was the certain but prescribed course which had been indicated in the former convention, which he would not now repeat, but which every gentleman present would connect with the formation of a constitution, a declaration of independence and the organization of a new state, which, he added, might safely be left to find its way into the Union on terms advantageous to its interests and prosperity."<sup>14</sup> This was a bold and clear statement of the first step in Wilkinson's plot. It looked innocent enough to merely frame a constitution and adopt it, but this was to be followed by independence and a new state, which would be competent to look in any direction. With the District once in such a position, he hoped to be able to direct it into the proper channel. Before taking his seat he said there was a gentleman present who had information of the highest importance to the convention on this subject of the navigation of the Mississippi. He glanced toward Brown and resumed his seat.

<sup>12</sup> Brown, *Political Beginnings*, 194.

<sup>13</sup> Green, *Spanish Conspiracy*, 222, 223.

<sup>14</sup> Green, *Spanish Conspiracy*, 223. A paraphrase by Humphrey Marshall—from notes kept by Thomas Marshall, according to Mann Butler's opinion.

Brown had been closely observing the shades of opinion he was able to catch in speeches and by studying their effect on the countenances of the members. Above all, Brown was a prudent man who would not rush into a project because it seemed tempting as offering a solution to a perplexing difficulty. Gardoqui's propositions had made a deep impression on him; they should not be passed aside lightly when Kentucky's economic existence might be solved through them. He had told Madison of certain conversations with the Spanish minister and sought his advice. Madison counseled against having further dealings with Gardoqui, as to do so might create false hopes in the Kentuckians and bring about a serious condition in the District.<sup>15</sup>

In the past campaign Brown's influence had been on the side of the Court Party, with its various shades of opinion pointing toward quick action. He had argued Congress' hostility and the jealousy of the East. Now had arrived the critical moment, when he could put the capstone on the edifice Wilkinson had built up. The latter believed this was the psychological time for Brown to tell openly to the convention what he had written Muter in the previous July, viz: that Spain was willing to open the Mississippi to Kentucky, but never as long as she was a part of the American Union. In the face of what he had seen and heard in the convention, remembering what Madison had told him and relying on his better judgment, he had not the temerity to divulge the secret. According to Thomas Marshall, "He told us that he did not think himself at liberty to mention what had passed in private conversation between himself and Don Gardoqui respecting us; but this much he would venture to inform us, that, provided we were united in our councils, everything we could wish for was within our reach."<sup>16</sup> This was a severe defeat to Wilkinson's maneuvers in the convention. After thus working up to a climax, Brown had failed him. Up to this time they had worked together to a considerable extent. Each had told the other of his Spanish dealings. Three months later Wilkinson wrote Miro concerning Brown, that he had returned to Kentucky in the previous September "and finding that there had been some opposition to our project, he almost abandoned the cause in despair and positively refused to advocate in public the propositions of Don Diego Gardoqui, as he deemed them fatal to our cause."<sup>17</sup>

Brown had not abandoned the idea of having the convention go ahead and frame a constitution, and to this extent he still cooperated with Wilkinson. Brown had been devoting considerable thought for the past summer to such a document for Kentucky. He had consulted Madison and Jefferson on certain principles of government, and had prepared a constitution which he was anxious to have the convention adopt. After refusing to divulge the Spanish propositions, he seems to have had no direct plan he was willing to openly advocate, beyond the first step of forming a constitution. He was doubtless willing to let subsequent steps be taken in the light of future opportunities as they presented themselves. But in the parryings of the two parties and their parliamentary maneuvers, the question of the adoption of a constitution never came up for definite action.

Baffled by this defection of Brown, Wilkinson took the floor to uphold his waning fortunes. After obtaining permission to present an essay on the navigation of the Mississippi, he began to read a manuscript of twenty or more pages. He detailed the great fertility of the land and the vast resources that lay ready for development upon the establish-

<sup>15</sup> Butler, *History of Kentucky*, 517, 518.

<sup>16</sup> Green, *Spanish Conspiracy*, 228.

<sup>17</sup> Wilkinson to Gardoqui, February 14, 1789, in Guayarré, *History of Louisiana*, III, 241. Copied in Green, *Spanish Conspiracy*, 217.

ment of a market. He recited the great difficulties the people had experienced in their efforts to obtain the navigation of the Mississippi and the inability of the National Government to get it for them. He declared that the people must have this great outlet, and that if Spain should refuse to give it, England stood ready to aid.<sup>18</sup> This essay was addressed to the governor and intendant of Louisiana. No copy of it came into the hands of the convention for preservation among its minutes; on the contrary, as each sheet was read it was handed to Sebastian. The only notice taken of the address in the proceedings of the convention was the resolution "That this Convention highly approve the Address presented by Gen'l Wilkinson to the Governor and Intendant of Louisiana, and that the President be requested to present him the thanks of the Convention for the regard which he therein manifested for the Interest of the Western Country."<sup>19</sup> That the memorial from Wilkinson which reached Miro was exactly the same that he had read before the convention, there must be some doubt. In substance and general outline they may have been similar, but that Wilkinson could read an essay calling for the separation of Kentucky from the American Union and for its entry under Spanish authority, and receive the thanks of the convention for thus upholding the interests of Kentucky, does not comport with the expressed attitude of the convention in other instances. That Wilkinson put no copy of his essay in the hands of the clerk shows, however, how dangerously close he, himself, considered he had approached treason. But Wilkinson's interest in detaching Kentucky from the United States most likely extended little beyond his desire to seem in the eyes of Spain to earn the pension they were giving him and to maintain his position of vantage in the web of Spanish intrigue extending over the West. Miro was led to believe from the memorial Wilkinson sent him that an exceedingly bold course had been pursued in the convention. In his report to the Spanish government in Madrid he said of Wilkinson's work in the convention: "He has so completely bound himself that, should he not be able to obtain the separation of Kentucky from the United States it has become impossible for him to live in it, unless he has suppressed; which is possible, certain passages which might injure him."<sup>20</sup>

Early in the convention, petitions were received from Mercer and Madison counties "praying that a manly and spirited address be sent to Congress to obtain the navigation of the river Mississippi."<sup>21</sup> This represented conservative opinion bent on influencing the convention to proceed along constitutional lines in its efforts to open the Mississippi. The convention made immediate preparations in a very positive manner to carry out the wishes of the petitioners. It determined that an address should be framed, requesting "immediate and effective measures for procuring the navigation of the said river." Wilkinson, Brown, Innes, Sebastian and Muter were appointed on the committee to draw up the address.<sup>22</sup> The personnel of the committee was complete assurance that the address would be spirited; Muter was the only conservative member. As was expected, Wilkinson prepared the address; and never did he show his mastery of intrigue and double-dealing better than in the affair connected with this address. To a less able conspirator the turning to Congress on the Mississippi question might have spelled defeat; to Wilkinson it was an unusual opportunity to bring about the ultimate success of his plot. In this address Wilkinson used his customary florid

<sup>18</sup> Marshall, *History of Kentucky*, I, 320.

<sup>19</sup> MSS. *Minutes of the Convention* in Durrett Collection. These minutes are reproduced in Brown, *Political Beginnings of Kentucky*, 263.

<sup>20</sup> Green, *Spanish Conspiracy*, 128.

<sup>21</sup> Brown, *Political Beginnings of Kentucky*, 192-203.

<sup>22</sup> *Ibid.*



style. He recalled to Congress how, when the Revolution ended, people in the East returned to peaceful and happy homes; it was not so in Kentucky. The savages knew no peace and recognized no treaties. He recounted the hardships and dangers the settlers had experienced from their first entry into the District until the present. But he added: "We derive strength from our misfortunes and numbers from our losses." He told of the woeful conditions brought about by the closure of the Mississippi. It was unthinkable that so mighty a highway should remain closed against so large a number of people. "Then, we ask, can the God of wisdom and nature have created that vast country in vain? Was it for nothing that he blessed it with fertility almost incredible?" Not only had God and nature given this mighty river to the Kentuckians, but it was theirs by treaty. He then for some length presented the treaty rights. He closed with this appeal:

"If you will be really our fathers, stretch forth your hands to save us. If you will be worthy guardians, defend our rights. We are a member that would exert any muscle for your service. Do not cut us off from your body. By every tie of consanguinity and affection, by the remembrance of the blood we have mingled in the common cause, by a regard to justice and policy, we conjure you to procure our rights.

"Let not your beneficence be circumscribed by the mountains which divide us, but let us feel that you really are the guardians and asserters of our rights; then you will secure the prayers of a people whose gratitude would be as warm as the vindication of their rights will be eternal; then our connection will be perpetuated to the latest times, a monument of your justice and a terror to your enemies."<sup>23</sup>

Wilkinson thus found a welcomed opportunity to arouse the hopes of the people in order that he might later dash them; and then he could hold out his Spanish alliance as the only solution. He intended this address for the people, caring little whether it ever reached Congress or not. He believed that Congress, even if it made immediate efforts, could not secure the Mississippi, for he had warned the Spaniards not to budge an inch on opening the river to the United States. But Wilkinson tells it all in a most remarkable manner, in his letter to Miro three months later:

"You will observe that the memorial to Congress was presented by me, and perhaps your first impression will be that of surprise at such a document having issued from the pen of a good Spaniard. But, on further reflection, you will discover that my policy is to justify in the eye of the world our meditated separation from the rest of the Union and quiet the apprehensions of some friends in the Atlantic States, the better to divide them, because, knowing how impossible it is for the United States to obtain what we aspire to, not only did I gratify my sentiments and inclinations, but I also framed my memorial in such a style as was best calculated to excite the passions of our people; and convince them that Congress has neither the power nor the will to enforce their claims and pretensions. Then, having energetically and publicly established our pretensions, if Congress does not support them with efficiency (which you know it can not do, even if it had the inclination), not only will all the people of Kentucky, but also the whole world, approve of our seeking protection from another quarter."<sup>24</sup>

As another step in his effort to lead Kentucky out of the Union and into a Spanish connection, Wilkinson introduced a resolution providing for an address to be issued to the people, as they were much divided. This, he believed, would have the effect of producing that unanimity in

<sup>23</sup> Z. F. Smith, *The History of Kentucky* [Louisville, 1886], 287.

<sup>24</sup> Green, *Spanish Conspiracy*, 235. Letter quoted from Guayarré, *History of Louisiana*, III, 246.

their councils which Brown had predicted would place within their reach whatever they could wish. Wilkinson hoped thus to pave the way for the next session of this convention (as its powers were to continue until January 1, 1790), and be prepared to take the final step in that session. According to the resolution this address should represent to the people "their true situation, urging the necessity of union, concord, and mutual concession, and solemnly calling on them to furnish this convention, at its next session, with instructions in what manner to proceed on the important subject to them submitted."<sup>25</sup>

This move created consternation in the ranks of the conservative party. In order to combat this dangerous step, Crockett hurried to Lexington, where he secured in the city and the surrounding country about 500 names to a petition remonstrating against precipitate and illegal action. All of these proceedings were elements in a more general maneuver of the conservatives to have an address prepared and delivered to Virginia, asking in a "decent and respectful" manner for a new enabling act. In the parliamentary battle that raged around these propositions, the address to Virginia was adopted, while the address to the people, which Wilkinson had prepared, was lost in the shuffle. The committee appointed to draw up the address was composed of conservative men, with the single exception of Wilkinson, who had nothing to do with its wording. The result was a short, straightforward request that Virginia provide for Kentucky's separation and that she use her influence with Congress to the end that the new state be admitted into the American Union according to the late recommendation of the Congress of the old Confederation.<sup>26</sup>

This, the seventh of Kentucky's conventions, having begun its labors in a period of great uncertainty, surrounded by a deep-laid plot to detach the District from the National Government, with some of the most influential men in the convention lined up behind this conspiracy, passed through the stormiest session that had yet characterized any of the conventions. The two parties were almost evenly matched in most points of the struggle, but the better judgment of the convention finally prevailed. Wilkinson could lead his party up to a certain point, but that was not the point of separation, with the prospect of a Spanish alliance. The inner workings of Wilkinson's dealings with Spain were not known generally in the convention; only the more glittering prospect of a solution to the vexatious Mississippi question engaged the attention of the members as a whole. Wilkinson reported to his Spanish lord, Miro, that after laying the matter before the convention and after the evils of the present connection had been admitted on all sides, "Nevertheless, sir, when the question was finally taken, fear and folly prevailed against reason and judgment."<sup>27</sup> The continuing authority of this convention was not forgotten; it adjourned to meet again in the following July. But before that time arrived other events happened, the situation changed, and the second session of the seventh convention never took place.

<sup>25</sup> Smith, *History of Kentucky*, 290; Brown, *Political Beginnings of Kentucky*, 259; Green, *Spanish Conspiracy*, 235.

<sup>26</sup> Brown, *Political Beginnings of Kentucky*, 199; Smith, *History of Kentucky*, 290, 291.

<sup>27</sup> Wilkinson to Miro, February 12, 1789, in Guayarré, *History of Louisiana*, III, 226, 227.

## CHAPTER XXIII

### THE SPANISH COLONIZATION SCHEME—THE EIGHTH AND NINTH CONVENTIONS

The action taken by the last convention had not enhanced Wilkinson's reputation and standing with the Spanish officers. Again he had failed to break Kentucky away from the United States. Seeing the necessity of checking as far as possible his waning influence with Spain, he lost no time in carrying on his machinations in Kentucky by taking advantage of every opportunity and by creating them when possible. He made long and elaborate reports and suggestions to Miro, seeking to show that his importance in Kentucky was as great as ever, and that there remained many opportunities and methods of yet detaching the District.<sup>1</sup> In February (1789) he informed Miro that he had not urged his full plans in the late convention, but had only worked for a separation from Virginia and an appeal to Congress on the Mississippi River navigation, which would show that it had "neither the will nor the power to satisfy their hopes." The outcome of his subtle maneuvers must have time to show itself, he declared. "I determined therefore to wait for the effects," he told Miro, "which will result from the disappointment from those hopes, and on which I rely to unite the country into one opinion."<sup>2</sup> He cautions Miro to see to it that their weapon, the Mississippi River question, was not lost in negotiations with the United States. He declared that to grant the navigation of that river to the American Government would put an end forever to Spanish influence in the West.<sup>3</sup>

He maintained that Kentucky was destined to separate sooner or later and enter into a Spanish connection. As to the precise time and the exact condition that would precipitate the action, he did not inform Miro; but he suggested different possibilities. In an eventuality the Mississippi River question would be the fundamental condition producing the specific problem. The operation of the taxation laws of the United States would force Kentucky out of the Union, if it were not anticipated by some other problem. "The people here," he said, "not having the means of paying those taxes, will resist them, and the authority of the new government will be set at naught, which will produce a civil war, and result in the separation of the West from the East."<sup>4</sup>

Although he had passed the peak point in the possibilities of his plotting in the last convention, still he was not left without great influence. A spectator in the last convention told how he had gone there, very apprehensive as to what might take place. "Like a spy I went there," he declared. "I kept a jealous eye over an eminent officer in particular, but when I beheld what he had done, even at the risk of his life and fortune, with the Spanish Governor in order to pave the way for the

<sup>1</sup> Wilkinson had certain confidential messengers who carried his dispatches to New Orleans in canoes down the river. As an example, Joshua Barbee was such a messenger in March, 1788. Letter from Barbee to Innes, January 4, 1807. *Innes MSS.*, 19, 59.

<sup>2</sup> Gayarré, *History of Louisiana*, III, 228, 229. Wilkinson to Miro, February 12, 1789.

<sup>3</sup> Gayarré, *History of Louisiana*, III, 223-240. Letter of February 12, 1789.

<sup>4</sup> *Ibid.*, 229, 230.

navigation of the Mississippi (*sic*), when I considered that actions speak louder than words, I then concluded that he was not only an able friend but a hero in our cause."<sup>5</sup> Wilkinson had great faith in the power of money over the leaders of Kentucky thought. Judging that such a power must be as great over others as it was over himself, he declared the best way to hasten the separation of the West from the Union was by "granting every sort of commercial privileges to the masses in the western region, and showering pensions on their leaders."<sup>6</sup> His greatest trouble seemed to be with the leaders. He believed he could inflame the people against the United States sufficiently well by a proper handling of the Mississippi River; but he had not yet been able to discover a leader in the District who would cooperate fully with him in the critical moment. And, without the full support of leaders at the opportune time, Kentucky could never be led out of the Union, however much he believed the people might want it. The late convention had afforded him a painful illustration.

In September, 1789, assuming that every man had his price, he made out a list of the leaders in the District, giving his idea of their general sentiments and setting down the price for which they could be bought. It is impossible to determine whether he really believed the men he mentioned could actually be bribed, or whether this was another of his cunning moves to maintain his own position in the councils of the Spaniards and doubly secure his own pension. Harry Innes, Benjamin Sebastian, John Brown, Caleb Wallace and Joshua Fowler, he declared, "are my confidential friends and support my plans." He believed they were worth \$1,000 each. Benjamin Logan, Isaac Shelby and James Garrard "favor separation from the United States and a friendly connection with Spain." Eight hundred dollars apiece would be sufficient for them. William Wood, Henry Lee, Robert Johnston and Richard Taylor, being of less importance, should have an allotment of \$500 each. "These favor separation from Virginia, but do not carry their views any further." General Lawson was marked down for \$1,000; and George Nicholas was considered to be worth \$2,000. As for the latter, "He has not entered into our concerns. He is one of the wealthiest gentlemen in the country, of great ability, and it will be a great point to win him over to our political views. I have been his friend for some time and I think he will concur." Thomas Marshall should be given \$1,000; but Humphrey Marshall was "a villain without principles, very artful, and could be very troublesome"—he should have only \$600. He also named the following, with their prices: Alexander Scott Bullitt, \$1,000; George Muter, \$1,200; and Green Clay, Samuel Taylor and Robert Caldwell, \$500 each. Speaking generally of those who had not been specifically classified as to views, Wilkinson said: "Some of these have British leanings; some favor the interests of Congress; some are for separation from Virginia; others are opposed to it. All are working without union or concert; but they are our enemies, and hence it is necessary to win them over."<sup>7</sup>

But Spain was not without competition in her conspiracies in the fruitful Western fields. Wilkinson had referred in his communications to Miro to certain dangers that were arising against Spanish interests from English sources. Master of intrigue that he was, he was able to turn this to his own advantage in his dealings with the Spaniards. During the fall of 1788, when the Spanish conspiracy was at its height and when Wilkinson expected to put it successfully through the seventh con-

<sup>5</sup> *Kentucky Gazette*, December 13, 1788.

<sup>6</sup> Green, *Spanish Conspiracy*, 131. Wilkinson, himself, had been receiving a pension from Spain since 1787. He continued to receive it until at least 1807. Beveridge, *Life of John Marshall*, III, 283, 284.

<sup>7</sup> W. R. Shepherd, "Wilkinson and the Beginnings of the Spanish Conspiracy" in *American Historical Review*, IX, 764-766.

vention, a British emissary in the person of a Dr. John Connolly appeared in Louisville.<sup>8</sup> During this same general period a letter consisting of some "Desultory Reflections by a Gentleman of Kentucky" found its way to Lord Dorchester in Canada. It held out an alluring situation for the British to take advantage of. The West, it declared, was so situated that it could never remain in the American Union without great detriment to its welfare. It must, therefore, sooner or later separate from the Atlantic States. The writer then declared "Great Britain ought to prepare for the occasion, and she should employ the interval in forming confidential connections with men of enterprise, capacity and popular influence resident of the Western Waters."<sup>9</sup> The author of this letter could easily have been Wilkinson, for it was to his advantage to have as many avenues of approach as well as escape as possible in his dealings with the Spaniards.

Connolly came to Louisville ostensibly to look after some interests in land lying around the Falls of the Ohio, but his real purpose was to take advantage of the unsettled conditions in Kentucky which had been described in the "Desultory Reflections."<sup>10</sup> He soon got into communication with some of the leaders in the District, but was able to make little or no headway.<sup>11</sup> His proposition was to secure for the Kentuckians the free navigation of the Mississippi through the use of troops in Canada and the British fleet in the Gulf of Mexico. Great Britain was of all foreign countries most bitterly hated in Kentucky. She, it was believed, was responsible for stirring up the continuous Indian raids and depredations. It was thus a difficult task to set going a British plot here. Harry Innes wrote Washington in December, 1788, that he was informed the British had sent agents to the District. He added that he was on the watch for them: "From the abhorrence & detestation which I have to a British connection, other than that of friends & allies, I was induced to keep a lookout & scrutinize the conduct of all strangers." Connolly, he declared, had "touched the key to Fomentation and offered assistance to enable the Inhabitants of the Western Country to seize on the City of New Orleans, and secure the navigation of the Mississippi." He intimated that he also had other information of great importance, but feared to entrust it to the ordinary methods of communication.<sup>12</sup> However, he would say that he would not object to using the British as "friends & allies," but the connection should go no further.

Until Connolly should see Wilkinson, the possibilities of his plot would not be exhausted. It seems the latter made special efforts to get into communication with Connolly, as he no doubt considered that he had pre-empted Kentucky for his own special plotting ground. But Wilkinson also believed there was no situation that was not worth investigating, with the possibility of turning it to his advantage. And, as has been stated, it is by no means beyond a probability that he was instrumental in arousing hopes in the British of a Kentucky plot. He had a conference with Connolly and pumped him of everything concerning the British desires and intentions. After gaining all the information he desired, he got rid of him through a ruse, according to Wilkinson's account. He hired a hunter to assault Connolly. The hunter was to let it be known that he believed Connolly to be a British agent and that as such he should

<sup>8</sup> Brown, *Political Beginnings of Kentucky*, 182-192.

<sup>9</sup> Green, *Spanish Conspiracy*, 297. Lord Dorchester sent this letter to Lord Sydney, April 11, 1789.

<sup>10</sup> Connolly had owned a tract of land where Louisville now stands; but it was confiscated during the Revolution because he joined the Tory ranks.

<sup>11</sup> Harry Innes wrote Washington December 18, 1788, concerning Connolly, "His conduct has alarmed my fears. He had some confidential conferences with influential characters." *Writings of George Washington*, IX, 473, 474.

<sup>12</sup> Letter dated December 18, 1788. *Innes MSS.*, 26.

fare badly for the part the British had been playing in the Indian warfare. Connolly became so frightened that he begged Wilkinson to afford him protection until he could escape from the District.<sup>13</sup> Wilkinson wrote an account of this to Miro, showing how he had saved the interests of Spain in Kentucky by nipping in the bud this British plot. He also was able to use this incident as a reminder to Miro what might happen if Spain allowed her interests in Kentucky to die; there might be nothing less than the descent of an irresistible force of Kentuckians and British on New Orleans.<sup>14</sup>

For apparent reasons there could never be great danger from British machinations in Kentucky. Nevertheless hopes and fears were aroused from this source. In April, 1789, Lord Dorchester declared he was informed that secret arrangements existed among Kentuckians "to declare independence of the Federal Union, take possession of New Orleans and look to Great Britain for such assistance as might enable them to accomplish these designs."<sup>15</sup>

Thomas Marshall wrote Washington in February, 1789, that "It appears plain to me that the offers of Lord Dorchester, as well as those of Spain, are founded on a supposition that it is a fact that we are about to separate from the Union; else, why are these offers not made to Congress? We shall, I fear, never be safe from the machinations of our enemies, as well internal as external, until we have a separate State, and are admitted into the Union as a federal member."<sup>16</sup>

Wilkinson's prominence in Spanish counsels, the proceedings of the seventh Kentucky convention, and hints as to British plottings, all spread their effects and influence through the rest of the nation. Interest in these happenings was now spreading beyond the party strife in Kentucky, and was causing considerable concern. General St. Clair, governor of the Northwestern Territory, wrote to Isaac Dunn, a partner of Wilkinson, on December 5, 1788, that he was much grieved "to hear that there are strong dispositions on the part of the people of Kentucky to break off their connection with the United States, and that our friend Wilkinson is at the head of this affair. Such a consummation would involve the United States in the greatest difficulties, and would completely ruin this country. Should there be any foundation for these reports, for God's sake, make use of your influence to detach Wilkinson from that party."<sup>17</sup> St. Clair also wrote a few days later to John Jay that he had certain information that Kentucky in her last convention had come very near adopting a proposal "that the district of Kentucky should set up for itself, not only independent of Virginia, but of the United States also."<sup>18</sup> Kentuckians themselves entered into this larger aspect of the discussion. Both factions sought to justify themselves in the East. Thomas Marshall carried on a correspondence with Washington in which he kept the President posted on all that he believed was happening or being planned in the District. In February he wrote Washington a long account of the proceedings of the late convention, the situation in Kentucky, and the dangers arising from the Spanish con-

<sup>13</sup> He describes his dealings with Connolly in his letter to Miro, February 12, 1789. Gayarré, *History of Louisiana*, III, 223-240. Also see Green, *Spanish Conspiracy*, 301; and McMaster, *History of the People of the United States*, I, 522, 523.

<sup>14</sup> Thomas Marshall to George Washington, February 12, 1789, in Green, *Spanish Conspiracy*, 250.

<sup>15</sup> Lord Dorchester to Lord Sydney, April 11, 1789, in Green, *Spanish Conspiracy*, 295.

<sup>16</sup> Marshall to Washington, February 12, 1789, in Butler, *History of Kentucky*, 521; also in Green, *Spanish Conspiracy*, 250.

<sup>17</sup> Green, *Spanish Conspiracy*, 286.

<sup>18</sup> St. Clair to Jay, December 13, 1788, in Green, *Spanish Conspiracy*, 286.

spiracy, and also a short account of the British activities.<sup>19</sup> In January, 1789, the following account of the situation in Kentucky appeared in the *Alexandria* (Va.) *Gazette*: "By information received from Kentucky, we learn that many of the principal people are warmly in favor of a separation from the Union, and contend that it is injurious to the interest of that country to be connected with the Atlantic States. This idea, pregnant with so much mischief to America, is said to be much cherished by intelligence carried there by Brown, member of Congress, to this effect: That he had the strongest assurance from the Spanish Ambassador that on such a declaration Spain would cede to them the navigation of the Mississippi and give them every support."<sup>20</sup>

As a part of Virginia, the District of Kentucky had been giving the Richmond authorities considerable concern and worry. Virginia was responsible for what her citizens or groups of her citizens might do. She was no less anxious to solve the situation than were the Kentuckians. But she wanted no Spanish intriguing nor violent separation. Her authority must be upheld; her laws must be respected throughout the commonwealth. In 1788 she announced in a law her determination to hold for high treason any persons who should set up an independent government within her limits or who should become officers of such a government.<sup>21</sup> As the next step toward Kentucky statehood rested on Virginia, she passed in December, 1788, an act of agreement for separation, making the third enabling act. This act was very much like the preceding two. It declared the boundaries of the district should be those of the state; that land rights acquired under Virginia laws should be maintained according to those laws; that Kentucky assume a just proportion of the public and domestic debt of Virginia; that residents and non-residents be subject to equal taxation, and that a period of six years after statehood be given to complete land titles by way of land improvements; that Kentucky land warrants should not interfere with those issued by Virginia prior to September 1, 1790; that unlocated lands "which stand appropriated" by Virginia for military service be under her control until Kentucky enters the Union, except that officers may have unlimited time to make their locations; and that the Ohio River remain free and open to the United States.<sup>22</sup> Virginia called another convention for Kentucky to meet in the following July (1789) for the purpose of determining once more whether she would separate and whether on the terms offered. This call displaced the second session of the seventh convention. If she voted for statehood, then, Congress must agree before September 1, 1790, to admit her into the Union.<sup>23</sup> The storm of the Spanish conspiracy having passed its greatest fury preceding and during the former convention, the campaign for this, the eighth assembly, was comparatively quiet. Wilkinson found no occasion to greatly inflame and arouse the popular mind; and Brown, brought into closer touch with the National forces, was fast on the road to a better feeling toward the National Government. As these agitating forces became more quiescent, the feeling against separation began to grow stronger. A petition was sent up to the Virginia Legislature praying that the enabling act be repealed, as her humble petitioners desired nothing more than to remain a part of Virginia. They wanted no new state, "which will be clothed with no national power and which will only serve as one of Pharaoh's lean kine to devour our liberty, whilst it can be of no security to our property." The petitioners declared that the General

<sup>19</sup> See Marshall to Washington, February 12, 1789, in Green, *Spanish Conspiracy*, 250-253.

<sup>20</sup> January 22, 1789, quoted in Green, *Spanish Conspiracy*, 239.

<sup>21</sup> *Ibid.*, 379.

<sup>22</sup> *Kentucky Gazette*, February 14, 1789.

<sup>23</sup> Brown, *Political Beginnings of Kentucky*, 218-220.

Government would "secure everything which the most sanguine can desire; and that a separation may injure us until time shall be no more \* \* \*" <sup>24</sup> A correspondent to the *Kentucky Gazette*, signing himself "Hezekiah Stubblefield," said he was preparing a petition to Congress praying that it put a stop to the freedom of the press in Kentucky, as it had been prostituted to evil ends, especially so in the "attempts of your Farmers, your Brutus's, your Poplicolas &, to mislead the poor happy people into a belief that a separation from Virginia and (where they dare whisper it), even from the good continental union." <sup>25</sup>

Another person sent a communication to the *Gazette* warning its readers against the methods used by unscrupulous politicians in manipulating the ignorant voters. He declared some voters "are extremely stupid, if we ask them are you going to Election? their answer is no, not I, I do not know the use of it I don't care who they send for delegates, those kind of men (if they may be called men or freemen) if they feel any thing like oppression they are the readiest of any to growl and complain, and they will talk as if all taxation was unjust. \* \* \*" He saw two dangerous classes in the society of the District, the ignorant and the designing. As to the former, "tho' those sordid beings will not for common turn out to an election, yet those evil designing men can toll them out like hogs and for the sake of a drink of Whiskey they would sell their Country not knowing what they are doing." <sup>26</sup>

In the discussions preceding the election, certain features of the Third Enabling Act were declared to be unacceptable. So, when the eighth convention met on July 20, 1789, its chief work was to frame a memorial to Virginia asking that two changes be made in her enabling act. It wanted the clause imposing a portion of Virginia's debt on Kentucky stricken out altogether. This was a rather indefensible request, as much of the debt had been incurred in the defense of Kentucky; and even Kentucky, of her own volition, had in her second convention included a promise in her address to Virginia to pay her just share of the public debt. <sup>27</sup> The other request in the memorial was highly proper. It concerned the indefinite time limit set by Virginia for military officers to make their locations of land in Kentucky in those unlocated lands that stood appropriated for that purpose.

In the meantime the new Federal Government, having recently gone into operation, was quick to inform Kentucky of steps being taken to protect it from Indian dangers. With this tactful move, it came into being with a promise for better things for Kentucky.

Virginia showed her sincere desire to end this long agony of suspense, which she liked no more than did Kentucky, by passing in the following December (1789) a Fourth Enabling Act, identical with the third, except as amended according to Kentucky's desires. <sup>28</sup> With a fine-spun

<sup>24</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 121, 122.

<sup>25</sup> *Kentucky Gazette*, Nov. 29, 1788.

<sup>26</sup> *Kentucky Gazette*, December 13, 1788.

<sup>27</sup> This petition was never presented to Virginia, due to the fact that the second convention passed its proceedings on to the third assembly for further action.

<sup>28</sup> Brown, *Political Beginnings of Kentucky*, 218-220. This Fourth Enabling Act, which came to be known as the Virginia Compact and which was made a part of the first constitution contained the following conditions:

- (1). Boundaries of the state to be the same as the district.
- (2). Kentucky agrees to assume "a just proportion" of the United States debt and also assumes to pay "all the certificates granted on account of the several expeditions" carried on from Kentucky against the Indians since January 1, 1785.
- (3). All land titles derived from Virginia laws "shall remain valid and secure under the laws of the proposed State, and shall be determined by the laws now existing in this State."
- (4). The lands of non-residents shall not be taxed at a higher rate than that of residents "nor shall neglect of cultivation or improvement of any land" within



nicety for legal precision, Virginia called a ninth convention for July, 1790, in which Kentucky was to signify her acceptance of the terms of separation. Congress must declare before the following November first its release of Virginia from any further obligations respecting Kentucky and its intentions to admit the new state into the Union at a time set by Kentucky. If this ninth convention should agree to separations on the given terms and conditions, it should then call a tenth assembly, whose duty it would be to form a constitution.

In the proceedings of the eighth convention there was no reminder of the stormy sessions that had taken place in the one preceding. To a casual observer it might have appeared that the Spanish plot was dead; but to one better informed it would have meant merely that it had changed its complexion. In the tangled threads of Spanish intrigue embracing the whole West there becomes evident two main strands. One, Wilkinson, had been drawing in his efforts to detach Kentucky from the Union; the main threads that made this strand stretched toward New Orleans. The other, different men had become entwined in, whose purpose was to start colonies of Americans in Spanish territory as bulwarks for New Spain against the United States; the threads that composed this strand were held principally by the Spanish minister, Gardoqui, in Philadelphia. These two parts of the main intrigue were not always compatible; at times the effects of the one were largely nullified by the other. The colonization scheme seems to have started later, and in time came gradually to supplant the plan to detach the western regions in one direct step. Navarro clearly stated the purpose of the colonization plan in December, 1787:

"It is necessary to keep in mind that, between this province and the territories of New Spain, there is nothing but the feeble barrier of the Mississippi, which it is as easy to pass as it is impossible to protect, and that, if it be good policy to fortify this province by drawing a large population within its limits, there are no other means than that of granting certain franchises to commerce, leaving aside, as much as possible, all restrictions and shackles, or at least postponing them to a future time, if they must exist. In addition, the government must distinguish itself by the equity of its administration, the suavity of its relations with the people, and its disinterestedness of its officers in their dealings with the foreigners who may resort to the colony. This is the only way to form, in a short time, a solid rampart for the protection of the kingdom of Mexico."<sup>29</sup>

Ever since the failure of the seventh convention to adopt Wilkinson's scheme, he had been on the defensive in his relations with the Spaniards. He seized on every incident that he thought might advance his waning fortunes. When St. Clair had become fearful that he was working in the interests of Spain and had written Isaac Dunn about it, Wilkinson offered this as proof to Miro that "the part I play in our

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six years after Kentucky enters the Union, subject such land to forfeiture. The provisions of this clause are reciprocal.

(5). No Kentucky land warrants to interfere with warrants issued by Virginia, which shall be located on or before September 1, 1791.

(6). Unlocated lands which stand appropriated for military service shall not be interfered with before May 1, 1792, after which the residue is subject to the disposition of Kentucky.

(7). The Ohio River is to be free to the people of the United States.

(8). Should any dispute arise as to the above conditions, six commissioners to give judgment shall be appointed in the following manner, viz: Two to be appointed by each state, who shall agree on the other two. The text of the Compact may be found in *Kentucky Statutes* [Louisville, 1915], Vol. 1, 29-31. [Fifth edition.]

<sup>29</sup> Fish, *American Diplomacy*, 74, quoting Gayarré, *History of Louisiana*, III, 189.

great enterprise, and the dangers to which I am exposed for the service of his Catholic Majesty, are known."<sup>30</sup> At first Wilkinson had opposed the colonization plan as directly destructive to his plan to detach Kentucky, but since he had failed in that task, he now came to embrace it. In September, 1789, he sent a memorial to the Spanish authorities in New Orleans in which he outlined his plan to induce colonization from Kentucky into Spanish territory. In this way he would establish an advanced post of influence and friendship of Kentuckians in Spanish territory. This would have its reaction on Kentucky itself, resulting in the region leaving the American Union and allying itself with Spain. To help this plan along he believed it would be wise "to distribute pensions and rewards among the chief men in proportion to their influence, ability, or service rendered." He predicted that the West must eventually leave the United States: "Whenever the western settlements believe themselves to be in a condition to assert their independence, every measure that the Congress may take to retain this region will serve to precipitate its wishes to avoid."<sup>31</sup>

Since 1785 there had been large-scale land speculations going on in the Yazoo country, where Georgia, as well as Spain, claimed authority. John Holder promised to plant in this region 400 families from Kentucky within four years. In 1789 a new and larger undertaking was set going in the form of the South Carolina Yazoo Company, which had secured a tract of 10,000,000 acres from Georgia. Dr. James O'Fallon now became a prominent figure in this region. He came to Lexington in the interest of the project and immediately met Wilkinson. As these lands were held through the authority of Georgia, although claimed by Spain, the latter did not look with favor on the Yazoo colonization scheme. But the hand of Wilkinson now began to operate. He sought to show Miro that the new settlement would ultimately sue for Spanish protection and that the project in its present form should not be opposed by Spain. He wrote to the Spanish governor, "I am persuaded that I shall experience no difficulty in adding their establishment to the domains of his Majesty, and this they will soon discover to their interests." Spanish fears were allayed, and extensive plans for its complete acquisition and settlement began. George Rogers Clark was said to be interested in the project. O'Fallon immediately set about securing troops of infantry, artillery and cavalry, and in November, 1790, reported that he was ready to send down from Kentucky and Tennessee 300 troops, and that in February he would follow them up with 300 more and 600 families. Reports of these preparations reached the United States authorities; proclamations and warnings followed, and the whole project soon fell through.<sup>32</sup>

A zest was added to the purely Spanish scheme of colonization by the settlement of Col. George Morgan, of New Jersey, at New Madrid with a colony of Americans.<sup>33</sup> Considerable interest was aroused among the dissatisfied settlers in the West. It was significant that about this time the Danville Political Club debated the question, "Has a member of any government a right to expatriate himself without leave?" The decision was even more significant; according to this club, he had such a right.<sup>34</sup>

George Rogers Clark now entered into the Spanish colonization

<sup>30</sup> Green, *Spanish Conspiracy*, 286.

<sup>31</sup> Shepherd, "Wilkinson and the Beginnings of the Spanish Conspiracy" in *American Historical Review*, IX, 751-764.

<sup>32</sup> C. H. Haskins, "The Yazoo Land Companies" in *American Historical Association Papers*, V, 398-407. O'Fallon, deserted by Wilkinson, ceased further activities, and soon afterwards married the sister of Clark.

<sup>33</sup> Brown, *Political Beginnings of Kentucky*, 125-145; Fish, *American Diplomacy*, 75.

<sup>34</sup> Speed, *Political Club*, 122, 123.

scheme as, perhaps, a last chance to secure as his own a small portion of the country he had previously played so important a part in. Clark had not fared well at the hands of his government, he believed, since the days when he had wrested the Northwest from the British. Ill fortune seemed to have pursued him in all of his efforts at land acquisitions. As early as 1779 he addressed a letter to Governor Patrick Henry concerning certain lands he possessed on the Cumberland River. "If I should be deprived," he declared, "of a certain tract of land on that river which I purchased three years ago, and have been at considerable expense to improve, I shall in a manner lose my all. It is known by the name of the great French Lick on the south or west side containing 3,000 acres; if you can do anything for me in saving it—I shall forever remember it with gratitude."<sup>35</sup> In 1780 he petitioned the Virginia authorities to confirm a grant of land about 36,000 acres north of the Ohio River, which the Indians had given him out of their gratitude and respect for him. His petition was not granted.<sup>36</sup> As time went on Clark became morose from brooding on the ingratitude of his government, which he had so nobly stood by in its hour of greatest need. In 1780 he had indignantly spurned the enticing offer of Governor Hamilton to give him all the land he desired northwest of the Ohio and an English title if he would give up the Ohio Valley to the British.<sup>37</sup> In his attempt to revive his sinking fortunes in 1786, he had gone on the Indian expedition up the Wabash. He had not only to bear the pangs of this defeat, but he became the subject of a proclamation disclaiming his actions and the object of a hostile investigation.<sup>38</sup> He now came to see his own name and fame eclipsed by the intriguing Wilkinson—a condition that the latter had undoubtedly consciously tried to bring about.

Smarting under such treatment, Clark wrote Gardoqui in March, 1788, stating that he had been maligned by his enemies and that he was convinced that "neither property nor character is safe in a government as weak and unsettled as that of the United States." He, therefore, desired to head a company of settlers, who wished to secure a tract of land in Spanish territory, west of the Mississippi, lying between the 36th and 38th parallels of latitude and extending two degrees of longitude westward.<sup>39</sup> He wanted 1000 acres to be allotted to each head of a family and 100 acres to each member. Clark had definite plans for an autonomous government: The governor was to be appointed by the Spanish authorities, who should be assisted by six counsellors elected by the settlers. They were not to be disturbed in their religious liberties.<sup>40</sup> These plans were never carried out.

The colonization scheme that Spain was holding out had wide and varied attractions. It offered an outlet for the energies of those who had failed in their efforts to disrupt the western boundaries of the United States, as well as for those who wished to play a part in the uncertain drama of the West, but did not care to go to the limits of detaching parts of the Union. John Brown had refused to follow Wilkinson to that limit; but he was still willing to fish in the troubled waters. In July, 1789, he suggested to Gardoqui that he could find capital for a colony of Americans

<sup>35</sup> Clark to Henry, March 9, 1779, in *American Historical Review*, I, 95. This letter never reached Henry, as it was captured by the British.

<sup>36</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 57-60. This petition was dated May 7, 1780. Although it was not granted, Virginia set aside 150,000 acres of land north of the Ohio for Clark's officers and men.

<sup>37</sup> C. M. Ambler, *Life and Diary of John Floyd* [Richmond, 1918], 29.

<sup>38</sup> Green, *Spanish Conspiracy*, 79. A copy of Governor Randolph's proclamation disowning Clark's acts against the Spanish merchants at Vincennes and promising that the guilty should be punished, may be found here.

<sup>39</sup> These boundaries would have included for the most part the southeast corner of the present state of Missouri.

<sup>40</sup> Clark to Gardoqui, March 25, 1788, in *Durrett MSS. Collection*.

who would settle in Spanish territory at the mouth of the Big Black River. If he were given 600,000 acres of land in this region, he would engage to see that 100 families were settled there within the next eighteen months and 100 additional families for each of the ensuing four years. Civil rights and religious liberty must be guaranteed.<sup>41</sup> This, as indeed most of the other colonization schemes never go beyond the state of suggestion and discussion. This part of Spanish western intriguing played no vital part in the political discussion of the day. Elections and conventions could proceed unruffled by foreign distractions.

Undisturbed by these colonization plans which were being promoted by Clark, Brown, Wilkinson and others, the ninth convention met in July, 1790, and proceeded to a vote of acceptance of the amended Virginia terms. But since the storm of the preceding year had blown over, so strong had the conservative sentiment for continuing a part of Virginia become, that separation was secured only by the surprisingly close vote of twenty-four to eighteen. This shows the strong reaction that had recently set in against separation at all on any terms.<sup>42</sup> This fourth enabling act, thus, adopted by Kentucky became a compact or contract between the two states and was afterwards referred to as the Virginia Compact. The Constitution of 1792 gave it equal sanctity with that document. The terms were absolutely binding on both parties, as was shown later in a decision of the United States Supreme Court concerning certain land disputes. An address was sent to the Virginia Assembly informing that body of Kentucky's acceptance of the terms, and expressing the thanks and good will of the people of Kentucky for Virginia.<sup>43</sup> Another address was sent to the President of the United States and to Congress reciting the facts concerning the Virginia agreement, expressing the kindest feelings toward the Federal Government, and praying to be taken into the Union within the time limit set by Virginia.<sup>44</sup> It provided for the election of a constitutional convention to meet in April, 1792; and designated the first day of June following as the date for the new state to enter into its duties in the Union.<sup>45</sup>

<sup>41</sup> Brown, *Political Beginnings of Kentucky*, 172.

<sup>42</sup> The people had stopped talking about separation, to a great extent. Nathaniel Richardson in a letter to John Breckinridge, February 11, 1790, said, "Our Indian affairs seem to engage the attention of the common-people & a Separation that of the leading Men." *Breckinridge MSS.* [1790.]

<sup>43</sup> *Kentucky Gazette*, February 12, 19, 1791.

<sup>44</sup> Brown, *Political Beginnings of Kentucky*, 220-222.

<sup>45</sup> Collins, *History of Kentucky*, I, 271, 272.

## CHAPTER XXIV

### CONSTITUTION AND UNION

Kentucky was now in sight of statehood. She had been patient to the extraordinary extent of electing nine conventions; and she had been long-suffering to the extent of almost as many disappointments. A distinct feeling of relief was now apparent. She understood the national government better, a condition which led the national government to understand her problems better. John Brown's influence was now directed toward a forwarding of this mutual accord. He was accused by his enemies of even having changed from being in favor of separation to an opposition to it, because of fear that he might lose his position in Congress if Kentucky became a state.<sup>1</sup> Brown had been sounding the President and Senators on Kentucky's chief problem that remained after statehood had been gained, the question of the navigation of the Mississippi, and had come to the conclusion that Kentucky's position should be made perfectly plain. He wrote Harry Innes in October, 1789, to have Kentucky address the President and the Senate and "state what would satisfy the people" on this question.<sup>2</sup> Thomas Marshall, who in the early part of 1789, had written Washington of the serious situation in Kentucky, in September of 1790 was able to give an entirely different picture. Kentucky was now contented. Washington replied that he "never doubted that the operations of this government, if not prevented by prejudice or evil designs, would inspire the citizens of America with such confidence in it, as effectually to do away [with] those apprehensions which under the former confederation, our best men entertained of divisions among ourselves, or allurements from other nations. I am therefore happy to find, that such a disposition prevails in your part of the country, as to remove any idea of that evil, which a few years ago, you so much dreaded."<sup>3</sup>

Even Wilkinson found such a change, that he began to despair of being able to continue his labors in the interests of Spain. The national government, instead of being weak and of no importance as he had predicted, was now functioning vigorously. In the early part of 1790, he wrote Miro that he had been noting a great change coming about in the people. "Many," he said, "who loudly repudiated all connection with the Union, now remain silent. I attribute this, either to the hope of promotion or the fear of punishment. According to my prognostic [*sic*] Washington has begun to operate on the chief heads of this district." He then gave a list of Kentuckians who had been appointed to various Federal positions.<sup>4</sup> He, himself, gave up active intriguing with foreign countries until times were more propitious, and sought his old position again in the United States army.<sup>5</sup>

<sup>1</sup> Thomas Marshall to George Nicholas, April 26, 1789. *Innes MSS.*, 22, No. 69.

<sup>2</sup> Dated October 7, 1789. *Innes MSS.* 19, No. 4.

<sup>3</sup> Marshall to Washington, September 11, 1790. Green, *Spanish Conspiracy*, 277, 278. Washington to Marshall, February 6, 1791. *Ibid.*, 273, 274.

<sup>4</sup> Green, *Spanish Conspiracy*, 288. Letter to Miro, January 26, 1790.

<sup>5</sup> Wilkinson's later dealings with Spain are set forth in I. J. Cox, "General Wilkinson and his Later Intrigues with the Spaniards" in *American Historical Review*, XIX, 794-812.

When Congress met in the fall of 1790, it took up the question of Kentucky in order that it might act within the time limits set by Virginia. In his message to Congress of December 8, Washington spoke of the arrangement between Virginia and Kentucky for the latter's separation and admission into the Union, and declared that the "liberality and harmony with which it has been conducted, will be found to do great justice to both parties; and the sentiments of warm attachment to the Union and its present government, expressed by our fellow citizens of Kentucky, cannot fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide the case submitted to you."<sup>6</sup> With Washington's support, the question of Kentucky's admission was not long delayed. Sectional jealousies played their part, however. The admission of Vermont was linked with Kentucky. Although the act for admission of the latter passed a few weeks earlier in February than for the former; yet by Kentucky's action in fixing the date of her admission so far ahead [June 1, 1792], Vermont actually came into the Union first.<sup>7</sup>

Ample time was given in the date set for the call of the constitutional convention for a complete discussion by the people of principles of government and for formulating their desires on what they should want included in the new constitution. Throughout the period from the first convention, there had been more or less discussion, and at times preceding certain of the conventions which they thought would make constitutions, the discussions became very definite as to constitutional principles. Kentucky's experiences from the very first settlement had been in many respects different from that of any other state which had ever made a constitution. Equality and democracy had been lived from the necessities of the situation. It had already in certain of their governmental regulations departed from the Virginia customs in such a way as to point to a greater degree of democracy. While others had been talking about democracy, Kentuckians were willingly or otherwise living it. During the fall of 1791, the *Kentucky Gazette* carried a series of articles advocating universal suffrage. The author, signing himself "A. B. C." declared that "every cast and denomination of men amongst us, are entitled to a representation in forming a constitution by which they will all be equally bound." All, he declared, helped to clear the wilderness of the savages, suffered dangers and privations together, and intend to live under the new constitution. Therefore, all should have equal rights.<sup>8</sup> In all of the states of the Union at this time, there were varying property and religious qualifications for voting and office-holding. In her dealings with Kentucky, Virginia had continued these usages. In the act of erecting the country of Kentucky out of Fincastle, she gave the franchise to "every white man possessing twenty-five acres of land with house and plantation thereon," and later when the General Assembly incorporated the town of Lexington, a property qualification of £25 was placed on the right to vote.<sup>9</sup> But, of course, Kentucky was not a Utopia; there was always a difference of opinion on all principles of government. The Danville Political Club, in discussing the question, "In a free government ought there to be any other qualification required to entitle a right of suffrage than that of freedom?" decided that some other qualification was necessary.<sup>10</sup>

<sup>6</sup> *American State Papers, Foreign Relations*, I, 13.

<sup>7</sup> McMaster, *History of the People of the United States*, II, 35. For a general account and summary of the conventions and the conspiracies mixed up with them, see *Proceedings of the American Historical Association*, IV, 352, 357-361; and S. E. M. Hardy, "Early Conspiracies in Kentucky," in *The Green Bag*, Vol. 12 [1900], 617-620.

<sup>8</sup> For example, *Kentucky Gazette*, October 8, 1791.

<sup>9</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 41, 106.

<sup>10</sup> Speed, *Political Club*, 125.

Perhaps no constitution problem came up for more thorough and prolonged discussion, than the question whether the legislative power should be vested in one or two houses. Those in favor of two houses advanced the usual arguments for such an arrangement. But there was a persistent opposition against this usual division of powers. It was argued that it would be unworkable, as one house would most certainly block the other in whatever legislation might be attempted; that one group of people out in the state would side with one house for a law and another group would side with the other house against the law, and that as a result the strife of the legislative chamber would be transferred broadcast over the state to the destruction of the public peace and tranquillity; and finally that it would be an additional expense to the state without any corresponding good.<sup>11</sup> In the election for delegates, Bourbon County instructed her representatives to vote in the convention for a legislative body of one chamber.<sup>12</sup>

The question as to the manner in which representation should be apportioned came up, also, for much discussion. The Virginia method of fixing representation by counties, regardless of the population did not appeal to the Kentuckians. It did not represent the principles of equality and democracy. The Danville Political Club discussed this question and came to the conclusion that numbers should be the controlling factor and not counties.<sup>13</sup>

The people were thoroughly aroused in their desire to impress their views into the new constitution. Many of the better educated worked out constitutions of their own; while others discussed various principles, or listened with intelligent interest. Different methods were used in bringing their thoughts before the people and in giving the people at large a chance to feel that they were having a part in the important work. The *Kentucky Gazette* was, of course, filled with communications on the subject. Another method is seen in the public meetings that took place on court days, and which were sometimes called for the specific purpose of discussing constitutional principles. In November, 1791, a committee met at Sinking Springs Meeting House, near Paris, for the purpose of formulating the outlines of a constitution.<sup>14</sup>

The most systematic way of giving the people at large a chance to reflect their will in the convention was designed by Bourbon County. The plan called for the selection of a committee by each militia company, which in turn should choose a committee of two to go to the county seat to meet with like committees for the purpose of nominating candidates for the convention. The ticket selected should be sent back to the original militia committee for ratification. The advocates of this method declared it would largely settle the minds of the people on their candidates and prevent disorganization and disorders at the election.<sup>15</sup> A person whose views were not known would thus stand little chance in coming out a few days before the election, inflaming the minds of the people on some subject, and securing a place in the convention, before wiser counsels could checkmate him. To make doubly sure against too great an independence of views of their representatives, the Bourbon County committees gave definite instructions on certain principles that should go into the constitution. They were instructed for the ballot as against oral voting, and also to favor one house for the legislature instead of two. Among other instructions given was the rather unusual demand that no code or laws of England or other nations be adopted; "but that a simple, and concise code of laws be framed, adopted to the weakest capacity; which we

<sup>11</sup> *Kentucky Gazette*, October 22, *passim*, 1791.

<sup>12</sup> *Kentucky Gazette*, October 15, 1791.

<sup>13</sup> Speed, *Political Club*, 113.

<sup>14</sup> *Ibid.*, February 11, 1792.

<sup>15</sup> *Kentucky Gazette*, October 15, 1791.

humbly conceive, will happily supersede the necessity of attorneys, pleading in our state."<sup>16</sup> The vigorous minds of the Kentucky pioneers were not to be bound by precedents in constitution making; and every man would be his own lawyer. These efforts at instructing delegates met with strong criticism. It was argued that the convention's very purpose and power would be usurped by the people in such proceedings.

The convention met in the early part of April, 1792, and before the end of the month had framed and adopted a constitution. This document was an interesting and remarkable instrument of government. It represented the genius for government of a community of people that had grown up, as an entity, separated hundreds of miles from a sustaining power. It owed less to precedent and more to experience than the constitution of any other American state up to this time. Many new and unusual features went into the framework. It departed from the Eastern practice of requiring no religious test of any kind for office-holding. Representation was based on population and not on counties as was the case in Virginia. Kentucky preceded the rest of the world a quarter of a century, in granting a full and free suffrage regardless of the amount of property owned.

But democracy did not go unbridled through this constitution. Here is seen an unusual admixture of sentiments for popular sovereignty and fears of too much of it. In this new community, scarcely a dozen years out of the stockades, there had already grown up the cry of aristocracy. Agitators had stirred up a class hatred that was louder than it was dangerous. Nevertheless, the more substantial elements were led to guard against a condition where unreasoning popular passion might wreck the social and economic order.<sup>17</sup> The governor, senators, and judges were removed from direct election by the people. The Governor was to be elected by an electoral college, on much the same order as provided for in the recent constitution of the United States for the election of the president. The one chamber argument in the convention had not prevailed. The legislature was composed of a Senate and a House of Representatives. The people were given the power of direct election of the representatives; but this was offset in a peculiar method adopted for choosing the senators. The number of senators was fixed at eleven; the representatives could vary from forty to 100, according to the population apportionments. But a definite ratio was fixed between the numbers composing the two bodies. For every additional four representatives, one new senator was added. Thus, according to an indirect method, the senators were apportioned according to population. The senate was elected by the same electoral body which elected the governor, directly dependent on the people, but without any relationship at all with regard to county divisions. Until the number of counties showed equal the number of senators, at least one should be elected from each County; thereafter they were to be elected at large. They were charged by the constitution to elect "men of the most wisdom, experience and virtue above twenty-seven years of age who shall have been resident of the State above two whole years next preceding the election."<sup>18</sup> Senators served a term of four years, one-fourth retiring at the end of each year. The constitution did not provide for the election of a lieutenant-governor; but, instead, the speaker of the senate succeeded to the governorship in

<sup>16</sup> *Kentucky Gazette*, October 15, 1791.

<sup>17</sup> The conditions that produced Shay's Rebellion were still remembered by many Americans with an uncomfortable feeling.

<sup>18</sup> The Danville Political Club had debated the question of the manner of electing the senate, and had decided on the very method adopted by the convention more than four years later. Speed, *Political Club*, 142. The text of the Constitution may be found in B. P. Poore, *Federal and State Constitutions*, and in Thorpe, *American Charters, Constitutions, and Organic Laws*.



case of the death, resignation, or incapacity of the incumbent.<sup>19</sup> The judges were appointed by the governor.

On the whole, the proceedings of the convention were devoid of excitement. The only ruffle was caused by the question of slavery, which thus early had begun to play its checkered role in Kentucky history. From almost the very beginning of the settlement, there had been growing up a sentiment against the introduction of this institution. The opposition was confined largely to the religious denominations and especially to the Baptists. Slavery had, by this time, taken considerable foothold in this new region, embedding itself into the thoughts and economic life of the more substantial elements of the population. When Article Nine, dealing with the subject was read the fight began. This, the earliest expression of the Kentucky pioneer democracy on slavery, follows:

"The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money, for the slaves emancipated; they shall have no power to prevent immigrants to this state, from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age and description shall pass laws to permit the owners of slaves to emancipate them, saving the rights of customers, and preventing them from becoming a charge to the county in which they reside; they shall have full power to prevent slaves from being brought into this state as merchandise; they shall have full power to prevent any slave being brought into this state from a foreign country, and to prevent those being brought into this state, who have been since the first of January, 1789, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothes and provisions, to abstain from all injuries to them extending to life and limb, and in case of their neglect or refusal to comply with the directions of such laws to have such slave or slaves sold for the benefit of their owner or owners."

Kentucky's position on slavery was, thus, advanced and enlightened. Emancipation, although guarded, was possible by legislative action. The right to prohibit the domestic as well as foreign slave trade was granted without conditions. The humanitarian interest in slaves was also clearly shown in the powers given the legislature to pass laws for their protections.<sup>20</sup>

In the discussion preceding the adoption of Article Nine, David Rice, an eminent Presbyterian clergyman, made a strong appeal against slavery. When the question was put "to expunge" the article on slavery, all of the six clergymen in the convention voted in the affirmative. Among the others voting affirmatively was Harry Innes. However, the motion was lost twenty-six to sixteen.<sup>21</sup>

The framers of this constitution did not consider their work as definitely permanent. It was rather a substantial experiment in government. Anticipating the fact that it might not suit the people in all of its parts, the convention provided a special method to take the popular

<sup>19</sup> For a general discussion of this constitution, see J. C. Doolan, "The Constitutions and Constitutional Conventions of 1792 and 1799" in *Proceedings of the Kentucky State Bar Association*, 1817, 134-158. The governor's term of office was four years; he was ineligible to succeed himself.

<sup>20</sup> For a short account of the part slavery played in the convention, see, Brown, *Political Beginnings of Kentucky*, 222-230.

<sup>21</sup> *MSS. Minutes in Durrett MS. Collection*, p. 23. For further information on the constitution, see *Proceedings of the American Historical Association*, V, 361; and *Reports of American Historical Association Reports*, 1905, I, 67.

will on the question after the document had been given a test. It was provided that the people might take a vote on the advisability of calling a new constitutional convention, in the elections of 1797, and, that if the majority was in favor of a convention, then the electorate should vote in the following general elections of 1798, and if again the majority was favorable, the legislature should call a convention in 1799 to revise or remake the constitution. There was another method provided whereby a majority of two-thirds of both houses of the Legislature might call a constitutional convention without a vote of the people. The laws of Virginia of a general nature were continued in the new state "until they shall be altered or repealed by the legislature."

The elements entering into the situation that made possible this constitution were varied. The influence of Virginia was felt, but not nearly to the extent that would have seemed natural in the case of a parent state on its offspring. Fundamental Virginia usages were thrown in the discard, as noted in suffrage and representation. The years of thought and discussion by large numbers of the people clearly had their weight. The Danville Political Club decided in favor of the manner of electing senators four years before the convention adopted that very method. The widespread demand that there be no property qualifications for voting was as surely the source of the constitutional provision guaranteeing universal suffrage, as was the desire of the more wealthy and larger property holders to have their rights protected responsible for the manner of choosing the governor, senators, and judges.

Just as people in the aggregate had their effect, so did certain individuals. That the constitution was the work of any individual or substantially his work cannot be successfully maintained. The man who, perhaps, contributed most to it both in what he himself had to give and in making it possible for the other forces to produce their effects was George Nicholas. He was thoroughly conversant with constitutions and constitutional practices, having played an important part in the Virginia convention which ratified the Federal Constitution. So completely had he buried himself in the arguments for that instrument of government, that he undoubtedly carried with him into the Kentucky convention, much of its influence which found its way into the Kentucky constitution. Whatever similarities may be drawn between these two constitutions must be attributed to the work of Nicholas. The large number of speeches, letters, and essays, written by Nicholas give ample evidence of his preparations for the work. Among the subjects thus treated were: Government; Resolutions regarding Form of Government for Kentucky; Expenses of Government, Land Tax, Loan Office; Checks and Divisions of Power; Senate; House of Representatives; Power of the House of Representatives; Governor; Appointments to Office; Suffrage; Bill of Rights; Courts; and Slaves.<sup>22</sup> Nicholas was also appointed on a committee for the final draft of the constitution, with Cuthbert Harrison, Benjamin Sebastian, Isaac Shelby, Thomas Kennedy, Thomas Lewis, Caleb Wallace, James Garrard, Thomas Warring, and Alexander S. Bullitt.<sup>23</sup>

The United States House of Representatives in an address to Washington characterized the Kentucky document "as particularly interesting since besides the immediate benefits resulting from it, it is another auspicious demonstration of the facility and success with which an enlightened people is capable of producing for their own safety and happiness."<sup>24</sup>

<sup>22</sup> "Nicholas Papers, Letters, and Speeches" in *Durrett MS. Collection*.

<sup>23</sup> *MS. Minutes*, in *Durrett MS. Collections*, p. 20.

<sup>24</sup> *A Compilation of the Messages and Papers of the Presidents, 1789-1897*, Edited by J. D. Richardson, I, 132. Date of address, Nov. 10, 1792.

On June 1, 1792, without further action by Congress, Kentucky came into the American Union. In the annals of constitutional government, she has no counterpart. For eight years she had labored and toiled through ten conventions, a record that was never to be approximated from that day until the present by any American community in quest of statehood. Her provocations were frequent and exasperating, the more so because often the conditions producing the perplexities were the conspiring of men and events without any human design. With master intriguers to work on a popular discontent, which fed not only on political privileges denied but also on economic rights withheld, Kentucky in her efforts to find a solution for these problems approached nearer to treating with foreign nations than a less sorely tried and perplexed people would have done. But there was never an element in Kentucky, outside of hired Spanish agents, that considered for a moment bowing the knee to Spanish domination. The navigation of the Mississippi was a powerful weapon, controlling completely the economic existence of the Kentuckians. The Spaniards used it, and gave it to their hired conspirators to use. Kentucky listened and deliberated. The river she would have, if not through the power of the national government, then through her own efforts. With the coming of statehood, she temporarily forgot the Mississippi in the joy of her present conquest. The prospect of the new Federal Government was pleasing. With one of her besetting problems now solved, she could with good graces await for the time a solution of the other. But as a member of the new union she would be respected according to her deserts, and in due time she would have every right political and economic that was hers. In the meantime she could afford to watch and wait.

In criticising those who seem to have favored a Spanish alliance, many of whom, after statehood, became prominent in both state and National affairs, the situation of the inhabitants of the Kentucky territory, cut off from the parent State of Virginia, and the National government as well, must be taken into consideration. The purposes of Wilkinson were plainly made manifest in the end, but many of those who were at first attracted by his suavity of manner and power to influence others, once they understood his designs, became the most ardent advocates for a place in the National Union. With all charity, therefore, should their actions be judged, and the harsher criticism indulged by many be avoided. Innes, Brown, Sebastian, Wallace and those holding their views, were men of sterling worth and character, incapable of ignoble or treasonable conduct, and were so regarded by their contemporaries.

## CHAPTER XXV

### KENTUCKY CHARACTER AND SOCIETY AT THE BEGINNING OF STATEHOOD

The settlement of Kentucky began in 1775; statehood was granted in 1792. The number of population requisite for admission as a state set down in the Northwest Ordinance for the territories north of the Ohio, had here been exceeded by over 13,000. The mighty impetus that changed cane-brakes and forests of an uninhabited region into farmsteads and cities of a state in the American Union within a period of seventeen years, was a composite of numerous forces working together. Likes and dislikes, repulsions and attractions, resultants of the spirit of the times and the conditions of the country, played their parts.

The Revolutionary War left a train of discontent and economic ruin in its wake, which affected large numbers of people. For seven years the ravages of war had desolated an invaded country. Plantations had been destroyed, and the accumulations of generation had been consumed. Added to the invasion of a foreign enemy, was the still more bitter strife carried on between Whig and Tory, Patriot and Loyalist. In some communities the former were outnumbered by the latter, and not until irreparable damage had fastened itself on the social and economic order, could the Tories be exterminated by stern laws of confiscation and repression and by the sword. Thus, was driven out and banished to foreign countries through the very exigencies of the times a substantial element, which had played no mean part in pre-Revolutionary days. Impoverished in population, the country was no less a sufferer in its economic order. Thriftless agriculture had already begun to work ruin to the fertility of the soil. With the same crop planted year after year, without a rotation, the yield steadily decreased. Tobacco was playing havoc with Virginia agriculture. The economic ruin that was later to drive Jefferson, Monroe, and many other Virginians almost into abject poverty had set in.

Economic and financial ruin was staring in the face, the individual, the state, and the nation. Burdensome taxation increased as the value of state and continental currency decreased. Beset by all of these conditions, plantation owners, small farmers, and the landless class, began to turn their thoughts toward a solution. Many large planters sought a remedy in the endless process of acquiring the contiguous lands of the small farmers, thus to replenish their worn out soil. The small farmer, having sold his holdings, moved further westward to repeat the process of clearing the forests for a new beginning. The condition of the landless, the adventuresome, and the habitually unfortunates became worse as time went on.

But this ever increasing discontent, born largely of economic incompetency, had its safety-valve. To the west lay an unexplored region, whose possibilities could yet be only imagined. Reports of it had already begun to filter back across the Alleghanies when the Revolution came and cut off further consideration. But before this struggle had ended, the region was becoming better known and its attractions were increasing in proportion. By 1780, it had come to occupy a definite place in the

thoughts of the people. Thus for every repelling force in the East was found an attraction in the West.

The reports of the wonderfully fertile soil of the westernmost part of Virginia beyond the mountains were irresistible. The vanguard that had followed Boone to this land on the eve of the Revolution had been forced to almost desert the country during the first few years of the war. The hunters and explorers closely followed by the occasional settler, which became the typical process of westward expansion, had now opened the way for the onrush of settlers with their families and whatever property might be carried along. The Kentucky regions were now coming to be systematically advertised by word of mouth, letters, and publications.

Returning hunters, explorers, and messengers painted the trans-Alleghany country as a region of boundless hopes and opportunities. There the landless and the unfortunate could acquire a competency and even a fortune in an incredibly short time. The restless and lovers of adventure would here find a veritable paradise. Big game abounded, and Indian dangers were on all sides. Letters from those who had gone before were sent back to relatives and friends, urging them to come to Kentucky and partake of the boundless opportunities. George Rogers Clark had written back to Virginia in 1775, urging his father to come and settle in Kentucky. "I am convinced," he said, "that if he once sees ye country he will never rest until he gets on it to live."<sup>1</sup> Another enthusiast wrote later that "Here are the finest and most excellent sites for farms, cities and towns. Here may the industrious and broken hearted farmer, tired with the slavery of the unfortunate situation in which he was born, lay down his burthen and find rest on these peaceful and plenteous plains; here may Iberia, Britain, and Scotia, pour out their superabundant sons and daughters, who with cheerful hearts, and industrious hands, will wipe away the tear of tyrannic toil, and join the Children of America in the easy labors of comfort and plenty, and bless the providence of that power which has directed them to such a land."<sup>2</sup>

The movement into Kentucky was yet young when publications on the country began to appear. All described that land in the most florid and superb style of language. The earliest work on Kentucky was by John Filson. He entitled his book, "The Discovery, Settlement, and Present State of Kentucke, and an Essay Toward the Topographical and Natural History of that Important Country." As a history it was not exact in all of its facts; but as a picture of a wonderful newly discovered country it gave a true portrayal that immediately attracted world-wide attention. The first edition of this advertisement of Kentucky appeared in 1784. The following year, it was translated into the French and German languages; and before the end of the century three reprints had been made in England. Filson admitted that his chief purpose was to let the world know about this land of opportunities: "When I visited Kentucky, I found it so far to exceed my expectations, although great, that I concluded that it was a pity that the world had not adequate information of it." In describing McBride's visit to Kentucky, he said the explorers returned "with the pleasing news of their discovery of the best tract of land in North America, and probably in the world," and Filson added on his own authority that "a great part of the soil is amazingly fertile."<sup>3</sup> Four other works directly on Kentucky or dealing largely with it, some running through as high as four editions, appeared before the end of the century.<sup>4</sup>

<sup>1</sup> A. B. Hulbert, *Pilots of the Republic* [Chicago, 1906], 172.

<sup>2</sup> Butler's *Journal* from N. B. Craig, *The Olden Time* [Pittsburg, 1846], quoted in J. A. James, "Some Phases of the History of the Northwest" in *Proceedings of the Mississippi Valley Historical Association*, 1913-1914, 168-195.

<sup>3</sup> Filson, *History of Kentucky*, [London, 1793]; 7, 9.

<sup>4</sup> These were: Alexander Fitzroy, *The Discovery, Purchase, and Settlement of*

The soil of central Kentucky, which came to be known as the Bluegrass Region, was of unusual and enduring fertility and gave a glamour to the whole country lying south of the Ohio and west of the mountains. One of the early historians declared that as the quality of the land was the great object to immigrants, "every one must be pleased with the soil, and was that the only thing requisite to make a country valuable or pleasing, Kentucky would be the most so in the world, as the land is nowhere excelled."<sup>5</sup> The limestone formations were responsible for the fertile soil. The pre-historic glaciers which had overrun the regions north of the Ohio, depositing boulders and covering up these formations with other debris, had stopped with the Ohio, except in a few instances. The extreme northern part of the state just south of Cincinnati and including parts of the present counties of Campbell, Kenton, and Boone, and a few regions further down the river in Trimble County are the only exceptions.<sup>6</sup>

These printed records were not responsible for the first onrush of settlers beginning in 1780; but they played their part in making the stream continuous for many years to follow. Although the first serious effort at settling Kentucky began in 1775 with prospects of a steady increase, the fierce struggle with the Indians and the British in the ensuing years of the Revolution almost depopulated the country; so that by 1779, there were perhaps no greater number of people there than when the settlement began. In 1787, the statement was made that only 146 white men could be found in the whole country at the former date.<sup>7</sup>

But the next year all the forces in East and West seem to have begun to conspire together to fill up Kentucky. The Wilderness Trail through the Cumberland Gap, which had heretofore been the chief access to Kentucky, was now again carrying westward its stream of hardy pioneers. The Ohio River, while still an ambuscade for Indian attacks almost throughout its whole course, yet was now beginning to carry the vanguard of a great migration to come later. A fever for western migration seems to have set in that has no counterpart in American expansion, except in the gold rush to California more than a half century later. Just as vessels of war and commerce in the ports of California were deserted by many of their crews for the "gold diggings," so Virginia regiments suffered numerous desertions for the Kentucky regions. The incredible statement was made in 1780 that Kentucky could furnish 15,000 men ready for war against the British or Indians.<sup>8</sup> The truth might be approximated in this statement, if Kentucky were made to include every settler and fugitive Tory in the Ohio Valley. The settlers went forward as unattached individuals, moving families, and in 1781, there was the spectacle of a whole religious congregation going in a body to this promised land. This was the celebrated Baptist "Traveling Church" as it came to be called. The congregation voting to leave in a body moved out from its seat in

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*the Country of Kentucky in North America* [London, 1786], Harry Toulmin, *Thoughts on Emigration, To Which are Added Miscellaneous Observations Relating to the United States of North America and a Short Account of the State of Kentucky* [London, 1792], Gilbert Imlay, *A Topographical Description of Western Territory of North America* [London, 1792], W. Winterbotham, *An Historical, Geographical, Commercial and Philosophical View of the American United States and of the European Settlements in America and the West Indies* [London, 1795].

<sup>5</sup> Winterbotham, *An Historical View*, III, 131.

<sup>6</sup> G. F. Wright, "The Glacial Boundary in Western Pennsylvania, Ohio, Kentucky, Indiana and Illinois" in *Bulletin of the United States Geological Survey*, Miscellaneous Doc. 244, 51 Cong. 1 Sess., 63, 64.

<sup>7</sup> *Pennsylvania Gazette*, March 29, 1787, quoted in McMaster, *History of the People of the United States*, I, 149.

<sup>8</sup> W. H. Siebert, "The Tory Proprietors of Kentucky Lands" in *Ohio Archaeological and Historical Quarterly*, No. 1, January, 1919, 13.

Spottsylvania County, Virginia, under the leadership of the Reverend Lewis Craig and Captain William Ellis.<sup>9</sup>

The population of Kentucky now increased by leaps and bounds. In 1783 the number was estimated around 12,000 to 13,000; and by the summer of the following year the population had doubled from the preceding year. Estimates now placed the number from 20,000 to 30,000.<sup>10</sup> A half a dozen years after the movement set in a veritable stream of settlers began to float down the Ohio. The Indians still beset the river immigrant; but he had now learned to better prepare for his safety. He had become acquainted with the numerous tricks and ruses used by the Indians to entice him ashore; and he had also begun to use a more servicable boat.<sup>11</sup> The adjutant at Fort Harmar, opposite Marietta at the mouth of the Muskingum River, counted from October, 1786, to May 1787, 177 flat boats with over 2,700 people on board. It was estimated by another authority that at least ten thousand people floated by the same place during 1788.<sup>12</sup> Virtually all boats that floated by Marietta and Fort Harmar were bound for Kentucky. The first effort to take an actual count was two years later, when the United States Government took the first census. At that time there were over 73,000 people in Kentucky.<sup>13</sup> Thus, within one decade, practically all the people then in this region had arrived.

The earlier settlers who had used the Wilderness Trail almost altogether had from the accessibility of this road come from Virginia and North Carolina. They settled first on the Kentucky River and to the south, gradually moving northward across the river through the Bluegrass Region as the numbers continued to increase. The first settlements of this element were at Boonsborough. Harrodstown and the regions round about. They later laid out and settled such towns as Danville and Lexington. The other fork of this Western Migration, coming down the Ohio, was made up of Virginians, and people further north, principally Marylanders and Pennsylvanians. Those from Pennsylvania embarked on the Ohio for the most part at Pittsburg; while the Marylanders and Virginians reached the river by the road leading through Cumberland in Maryland. This element began the settlement of the river towns, such as Limestone [Maysville] and Louisville, and spread southward to meet the people coming over the Wilderness Trail. The Virginia authorities became alarmed at the large numbers of their population that were removing west of the mountains. It was felt that they would soon be lost to Virginia for the mountains formed a barrier which must eventually divide the state into two separate governments. Before the separation conventions in Kentucky had begun, Richard Henry Lee expressed to Madison his alarm at the loss of population Virginia was sustaining. He said that the accounts he was daily receiving "of the powerful emigrations from our State to Georgia, to North & South Carolina, & from the interior parts to Kentucky, are very alarming—" He believed that heavy taxation and a search after better lands were the main causes.<sup>14</sup>

<sup>9</sup> G. W. Ranck, *The Travelling Church* [Louisville, 1891] Pamphlet.

<sup>10</sup> Monette, *History of Valley of Mississippi*, II, 143; *Magazine of Western History*, X, 500. The statement in McMaster, *History of the People of the United States*, I, 70, that the settlers came principally from North Carolina, South Carolina and Georgia is incorrect.

<sup>11</sup> A favorite ruse of the Indians was to force a captive to appear on the banks of the river and summon a passing flat boat to take him on. When a landing was made, the Indians who had concealed themselves, would take captive the whole party.

<sup>12</sup> McMaster, *History of the People of the United States*, I, 517.

<sup>13</sup> The census for each county and for the state at large from 1790 to 1870 is given in Collins, *History of Kentucky*, II, 258, 259.

<sup>14</sup> *Letters of Richard Henry Lee*, II, 300. Nov. 20, 1784. The rage for settling in the West is portrayed in letters from John Jay to W. Bingham, May 31, 1785, and to LaFayette, Jan. 19, 1785.

Jefferson a few years later noted this unprecedented growth of the regions beyond the mountains, but without great concern. "We have seen lately," he said, "a single person go and decide on a settlement in Kentucky, many hundred miles from any white inhabitant, remove thither with his family and a few neighbors; and though perpetually harassed by the Indians, that settlement in the course of ten years has acquired thirty thousand inhabitants."<sup>15</sup>

A passion for local self government and the ability to successfully administer it constitute a peculiar characteristic of Anglo-Saxon races. In the regions beyond the mountains, no sooner had a few straggling pioneers settled down than a clamor at once went up for local self government, expressed in a new county organization. In 1775 Virginia had shown her favor and interest by cutting the westernmost bounds of Fincastle off for the benefit of these settlers and named it Kentucky. During the early years of the revolution there was little time on the part of the few remaining settlers to think of new counties, and indeed little incentive to want new governmental units, so scanty was the population. But before the war had ended, the population, though not numerous, was so scattered that new counties seemed necessary. With the beginning of the process of forming new counties in 1780, an index is given to the numbers of incoming immigrants and the general location of their settlement. However, there was always a tendency on the part of every small group of people to want a new county created. As a testimony to the numbers of people that had begun to filter over the mountains as well as a recognition of the main centers of population, Virginia created three new counties in 1780. These were Fayette, Lincoln and Jefferson, named for the three Revolutionary heroes. In general the boundaries were these: Jefferson included the territory south and west of Salt River. Fayette embraced the country north of the Kentucky River, while Lincoln included the remainder of the settled country extending south and east of the Kentucky River. Kentucky County lost its identity in this division; and for the three years there was no legal existence of the name. It was revived when the judicial district of Kentucky was formed, which included these three counties and all divisions into new counties that should be made. All of the counties of Kentucky created during the Virginia regime were the results of popular petitions; but all petitions did not materialize into counties. As already noted, the mania for new counties could not always be satisfied. In the same year in which Kentucky County was divided, the trustees of a settlement around Fort Jefferson in a region which had never yet been included in a treaty of cession from the Indians, petitioned for a new county.<sup>16</sup> According to their petition they "conceive it necessary our Settlement should be erected into a Corporation, or Separate County distinct from Kentucky." They declared "That from want of Proper authority, the regulations made by the Trustees, have not their due weight with the People." Their love of authority was shown in their prayer to be continued as the officers of the new county.<sup>17</sup>

The reasons generally advanced in petitions for new counties were valid. The great distance from the courthouse was always stressed, as also the difficulties and dangers of traveling. The petition of the people south of the Kentucky River in 1780, which resulted in the establishment

<sup>15</sup> *Writings of Jefferson*, XVII, 98. James Hall, *The Romance of Western History* [Cincinnati, 1857] and C. B. Walker, *The Mississippi Valley and Pre-Historic Events* [Burlington, Iowa, 1879] deal in part with the settlement of Kentucky.

<sup>16</sup> Fort Jefferson was established by George Rogers Clark in 1780 in the Chickasaw country on the Mississippi River. It was abandoned in the following year.

<sup>17</sup> *George Rogers Clark Papers 1771-1781* [Springfield, 1912] Vol. VIII in Illinois Historical Collections, 425, 426.



of Lincoln County, recounted how the settled portion of Kentucky County "is of Late grown so Extensive that in a time of peace it would be extremely inconvenient for your petitioners to attend at the Court-house much more so at present when an inveterate War rages with unremitted violence." In describing the difficulties of travel, the petitioners declared the high banks of the Kentucky River were almost impassable.<sup>18</sup>

The first of the three new counties to be sub-divided was Jefferson. Nelson County was cut out of it in 1784 to take care of the numerous settlers who had been moving westward from Danville and Harrodstown and southward from Louisville.<sup>19</sup> The next year, the northern part of Fayette County was erected into Bourbon, in response to the demands of a rapidly settling country fed by immigrants coming north from the Kentucky and south from the Ohio.<sup>20</sup> Two other counties in this year arose out of Lincoln—Mercer and Madison. Both lying in the south and east administered to the governmental wants of the increasing numbers that were entering the region through Cumberland Gap. <sup>21</sup> During this fever of county building, the settlers, who had begun to occupy the portion of Bourbon County bordering on the Ohio, and who had in 1785 laid out the town of Washington, petitioned the Virginia Legislature for a separation from Bourbon and the erection of a new country. Soon a counter petition arose in the older parts of the county against a division. The petitioners declared that a division would "derange all the public business of the County to the great injury of individuals" and also that it would "so weaken the militia of the present County as to render them incapable of defending themselves as well as paying the County Levy." The military strength of the county was at that time only 400 men.<sup>22</sup>

Bourbon was not the only county to protest against a useless subdivision of its strength. Numerous petitions for new counties were met by counter petitions opposing division. There were thus two influences in conflict with each other in the movement for new counties. The danger that the setting up of new communities into counties would work to the detriment of the original as well as new county, was largely met by the tenacious opposition of the older settlements. As a result, there were few if any weaklings set going; and even if there should have been the rapid filling up of the country would soon have remedied the evil. There was in fact the strong feeling on the part of some that the younger communities were made the unwilling bondsmen of the older county seats. In 1788, when a movement in the western part of Fayette County arose for a separation, and was met by the customary opposition, the blame was immediately laid to the ungenerous selfishness of Lexington, the county seat. A correspondent to the *Kentucky Gazette* sarcastically remarked that "It would be inconceivably to the advantage of a small number of men in Fayette if all Kentucke was included in one County, and obliged to assemble here 12 times a year." <sup>23</sup> But in 1788 this movement was successful, resulting in the formation of Woodford County.<sup>24</sup> In the same year Bourbon was forced to undergo another division to satisfy the increasing numbers of river immigrants, who had already

<sup>18</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 55, 56.

<sup>19</sup> This county was named for Thomas Nelson, a former governor of Virginia and one of the signers of the Declaration of Independence for that state. For the dates of formation and persons for whom named of all Kentucky counties up to 1884, see H. A. Scomp, "Kentucky County Names" in *Magazine of History*, VII, 144-154.

<sup>20</sup> Named for the reigning House in France.

<sup>21</sup> Named for General Mercer of Revolutionary fame and for James Madison.

<sup>22</sup> Robertson, *Petitions of Early Inhabitants of Kentucky*, 91 *passim*.

<sup>23</sup> *Kentucky Gazette*, Aug. 23, 1788.

<sup>24</sup> Named for General William Woodford, a Revolutionary hero, who was wounded at Brandywine, captured at Charleston, and later died in prison.

settled Washington and Limestone [Maysville]. This new county was named in honor of George Mason; Washington became the county seat.

When Kentucky was admitted into the Union the budding process of county formation had produced nine counties. These had all grown out of the original Kentucky County within the past dozen years. All made a respectable showing in numbers of people in the first census, and gave excellent promise for the future. Fayette was still by far the most populous, having more than 18,000. Nelson came next with over 11,000; followed by Woodford with 9,210; Bourbon, 7,837; Mercer, 7,091; Lincoln, 6,548; Madison, 5,772; Jefferson 4,765; and Mason with 2,729.

Here was the spectacle of a state with not a native-born adult citizen within its bounds. It was as if a mighty impulse had suddenly seized a people and caused them to migrate hundreds of miles away from the rest of the civilized world and there set up a new state. But this was not one people moving in a body, as was the case with the Goths and Vandals in earlier times. This population was made up of numerous classes and conditions, impelled westward by varying forces and purposes. No mediaeval tribal relations bound together these restless pioneers. But out of this motley aggregation that had descended upon the virgin fields and forests, there stood three general classes.

First, there were the original pioneers, the settlers who had come out before and during the early years of the Revolution. They had held the country through a bitter warfare with the British and Indians. To them was due the honor and credit of having saved the country for the future immigrants. Few in numbers, they had been strong in spirit. But it was not for them to enjoy the full fruits of what they had won. As has been noted, they were dispossessed of their lands and despoiled of their property. Many of these early pioneers who had helped to conquer an empire, died without a square foot of this land they could call their own. They were robbed by dishonest speculators and land sharks, and soon swallowed up by the floods of immigrants that came in after the Revolution. One must look to the period before 1780 to see the glory of such early pioneers as George Rogers Clark, Daniel Boone, and Simon Kenton. Thereafter, denied the enjoyment of what they had won, they were pushed aside and superseded by some who were less brave and more astute and by others who had contributed their full share to final victory, in other fields.

A second class of the Kentucky population was the post-Revolutionary immigrants. As has been noted, they came in great numbers and soon took possession of the country and its government. They became the backbone of the District and of the State later. As a class, they were for the most part a sturdy and industrious people of Anglo-Saxon stock. Although influenced by their conditions and surroundings, still they kept a conservatism which was proof against rash action. They could not easily be led astray. The course of Kentucky's efforts to enter the Union is eloquent proof of this conservatism.

There was a third group made up of odds and ends, the adventure-some and the cowards, some ahead of their day and others the dross of civilization. Here was also sought and found for a time a refuge by outlaws and Tories. This group was fugitive, ephemeral, evanescent. In general it migrated with the frontier. Beginning about 1780, large numbers of Tories driven out of the Eastern states drifted into Kentucky. Others with varying Tory sentiments and with a decided distaste for war also began to appear in considerable numbers. They did not go unnoticed in their new refuge. One observer noted that "Should the English go there and offer them protection from the Indians the great part will join." It was also charged that Tory influence had been re-

sponsible for the surrender of Licking Station to Bird's expedition. Another contemporary declared that he was "sensible, that there are a great number of disaffected inhabitants on this side of the mountain, that wish for nothing more than a fair opportunity to submit to the British Government, and, therefore, would be glad to have the regular troops withdrawn."<sup>25</sup> There can be little question that a large portion of the arrivals in 1780 were of doubtful sympathies in the war. The early pioneers had noted this at numerous times and on various occasions. Suspensions as to Tory influence became so wild, as to result in the trial of Daniel Boone for treason on the charge that he had surrendered the saltmakers at the Lower Blue Licks, and had made a treaty with the British at Boonesborough.<sup>26</sup>

In 1780, when Clark attempted to raise a force to go against the Shawnee Indians he could obtain virtually no volunteers. He was forced to use extraordinary powers to obtain recruits. He forced the land office to close and ordered out the militia as the only method to deal with the situation.<sup>27</sup> The next year when Clark was trying vigorously to raise troops for his cherished expedition against Detroit he again found no volunteers. When he then set about putting a draft into effect he aroused a violent hatred and opposition on the part of this disaffected class. A Kentuckian wrote Jefferson that he feared the draft would "not be complied with, by Reason of the disaffected people amongst us. (A Collector for one of the Divisions for making up the Cloathes and Beef was Interrupted in the execution of his office.) A certain John Claypole said that if all the men were of his mind, they would not make up any Cloathes, Beef or Men, and all that would join him should turn out. Upon which he got up all the men present, to five or six and Got Liquor and Drank King George the third's health, and Damnation to Congress, upon which complaint was made to three Magistrates. Upon which there was a warrant Issued for several of them, and Guard of Fifty men with the Sheriff. When they came to this place, they found sixty or seventy men embodied, with arms—After some time they capitulated."<sup>28</sup> This incident ended with an apology from the trouble-makers and the claim that their actions had been due mostly to liquor. This Tory element in Kentucky was soon converted or driven out. Virginia confiscation laws were not at work here.

In the great migrations that were spreading out over Kentucky during the Seventeen Hundred Eighties, there was a substantial sprinkling of people of education and considerable prominence. Not only were economic conditions on the plantations in the East tending to drive planters to the West; but the very attractions in Kentucky were operating independent of other forces. Here was a land of opportunity not only for the land seeker; but also for the fame seeker. It was a province of Virginia where her rising young lawyers and would-be-statesmen could win fame and fortune. Land laws were so intricate and unsystematic that a flood of litigation raised an inviting prospect for the lawyer. Kentucky undoubtedly received a larger element of that steady class of populations than any other state in the expansion of the American nation westward. An early observer noted that among the settlers "there are gentlemen of abilities, and many genteel families, from several of the States, who give dignity and respectability to the settlement. They are, in general, more regular than people who usually settle new countries."<sup>29</sup>

<sup>25</sup> L. P. Kellogg, *Frontier Retreat on the Upper Ohio 1779-1781* [Madison, 1917], 22.

<sup>26</sup> Siebert, "Tory Proprietors of Kentucky Lands," 12.

<sup>27</sup> Kellogg, *Frontier Retreat on Upper Ohio*, 21, 22.

<sup>28</sup> *George Rogers Clark Papers*, 525. Garret Van Meter to Thomas Jefferson, April 14, 1781.

<sup>29</sup> Winterbotham, *An Historical View*, III, 150. Another writer said: "The

Regardless of the amount of influence Virginia played in the formation of Kentucky institutions, there can be no doubt that she sent more of her population thither than was contributed by any other state. As has been said, Kentucky was an edition de luxe of Virginia.<sup>30</sup> Francois Michaux, who visited the state in 1802, declared that the "inhabitants of Kentucky \* \* \* are nearly all natives of Virginia, and particularly the remotest parts of the state;" and that with few exceptions "they have preserved the manner of the Virginians."<sup>31</sup> The influence of Virginia from the very nature of the situation must have been great. Virginians transplanting themselves into another part of the commonwealth and later becoming a separate state could not possibly divest themselves of their innate character and life-long training and habits of thought. Their unconscious actions were those of Virginians; and however much they may have been influenced by conditions differing from those in Virginia, and by dislike for the treatment they had received at the hands of Virginia, still they were Virginians living in Kentucky. Whatever petulant animosities that may have grown up during the period of her statehood efforts were soon afterwards forgotten; and up until the Civil War, Virginia was affectionately remembered as a mother who still could give good counsel. The great majority of early Kentucky politicians and statesmen were born in Virginia, educated in her political philosophy, and remembered it when they were playing their role in Kentucky. An unconscious blossoming forth of Virginia in Kentucky is seen in the names chosen for counties. Out of the 118 counties existing in Kentucky in 1884, nearly one-half were named for Virginians or for Virginians who had migrated to Kentucky.

Generally speaking, the life in Kentucky was rough and vigorous as, indeed, it was in all frontier communities. And wherever Kentucky differed from other, a greater degree of intensification marked the former. The people had rude and energetic sports and hard habits. They raced, wrestled, played leap-frog, kicked the hat, fought, gouged, gambled, drank, and practiced marksmanship. In later times the "Kentuc" riverman came to represent a terror to everybody. The worst were described as half horse, and half alligator tipped with snapping turtle. Life in Louisville, which was now a growing river town, and had a tendency to catch the scum of western migration, as was the case with all river towns during this period, was as rough as the roughest, and its sports were as vigorous as could be found. The town consisted of 350 people living in houses of boat-planks and of logs, small but arranged in regular streets. Much dancing, drinking, and fighting marked the regular tenor of life here. Sunday was not considered as deserving any more respect than any other day. One of the more conscientious Louisvillians described his experience with the people on this point: "One Sunday morning, when we all came into breakfast, they observed my store was not opened, and asked the reason *why*. I answered, Because it was Sabbath day. Oh! they replied, Sunday had not yet come over the Mountains. Yes, I answered, it had, that I brought it with me. Well, said they, you are the *first* person who has kept his Store shut in this Village on the Sabbath day."<sup>32</sup>

Major Erkuries Beatty, a paymaster in the United States Army was

beauty of the country and richness of the soil, however, excited general attention after the peace [1783] and many persons of respectability and fortune fell in with the current of population rushing westward. *Niles Register*, VI, 249.

<sup>30</sup> *Library of Southern Literature*, XI, 5083.

<sup>31</sup> F. A. Michaux, "Travels to the West of the Alleghany Mountains in the States of Ohio, Kentucky, and Tennessee \* \* \* in the Year 1802" in R. G. Thwaites, *Early Western Travels*, III, 247.

<sup>32</sup> *McMaster, History of the People of the United States*, II, 152, quoting from *Autobiography of Maj. Samuel S. Forman* in *Historical Magazine* Dec. 1869, 326.

stationed at the Falls of the Ohio during 1786 and 1787. He kept a diary in which he made rather close and interesting observations on the lives and customs of the people. He gives this description of Louisville society and sports:

"In the morning we started in a great hurry, the Colonel and myself, over to Louisville, \* \* \* saw the genteeler sort of people in numbers coming in from the country, each with a young girl behind them or woman on the same horse (the way of riding in this country), to a great Barbecue on the Island opposite Louisville, and to conclude with a dance in the town in the evening; we got a very polite invitation to attend it some days before, but Colonel Harmar would not stay; only two officers of the troops stationed here intended to go, for the people and they do not agree very well. Suppose there will be near 100 men and women at this frolick; saw some of the young ladies in town dressed in all their finery for the honor of the treat; some of them middling handsome, rich enough dressed but tawdry. Saw the barbarous custom of Gouging, practiced between two of the Lower Class of people here; their unvaried way of fighting. When two men quarrel they never have an idea of striking, but immediately seize each other, and fall and twist each others thumbs or fingers into the eye and push it from the socket till it falls on the cheeks, as one of those men experienced to-day, and was obliged to acknowledge himself beat, altho he was on top of the other—but he, in his turn, had bit his adversary almost abominably. \* \* \* It chilled my blood with horror to see the unmanly, cruel condition these two men were left in today from this manner of fighting, and no person, altho a number stood by, ever attempted to prevent them from thus butchering each other, but all was acknowledged fair play. Soon after our troops came here, one of the officers being in a public house in Louisville, was grossly insulted by one of these Virginia Gougers, a perfect bully; all the country round stood in awe of him, for he was so dexterous in these matters that he had, in his time, taken out five eyes, bit off two or three noses and ears and spit them in their faces—this fellow our officer was obliged to encounter without side arms or any weapon but his hands, and the insult could not be got over."

The fight is then described with all of its barbarity, in which the officer came out winner. Major Beatty hastened to add that gouging and ill will toward the officers was not universal. "I dont speak generally of the people," he said, "for certainly there are some very genteel families in this country, and treat the officers very politely. \* \* \*"<sup>33</sup>

There was, however, the beginnings of a refined and cultivated society evident in the Bluegrass Region by the time Kentucky had become a state. Of course, the better class of people that had moved into this new country did not forget their culture and gentility but they were forced to leave behind much of the material evidences of it. No homes had yet been built that could correspond to the Virginia manors, and the furniture was in general of home production. Lexington early became the center of refinement, for the District and State, and for many years held first place in this respect throughout the whole western country. Memories of horse racing in Virginia led to the establishing of a race course here as early as August, 1789.<sup>34</sup> Dancing was a social qualification not to be unknown or forgotten. In 1788, a dancing school was started.<sup>35</sup> By 1791, the town had so far advanced in its ideas of public safety and sanitation that it passed an ordinance forbidding the construction of wooden chimneys and also banished from the town limits slaughter

<sup>33</sup> *Diary of Maj. Erkuries Beatty*, paymaster in the Western Army, May 15, 1786, to June 5, 1787, in *Magazine of American History*, 1877, 432, 433.

<sup>34</sup> *Kentucky Gazette*, Aug. 22, 1789. The rules of entry, etc., were given here.

<sup>35</sup> *Ibid.*, March 22, 1788.

houses. The people were also forbidden to permit their hogs to run loose in the streets.<sup>36</sup>

Five towns were listed in the first United States census with their population. They were: Lexington with 834 people; Washington, 462; Bardstown, 216; Louisville, 200; and Danville, 150.

The country had been so completely possessed that the dangers of Indian wars had almost ceased. With the successful conclusion of Wayne's campaign in the Northwest in 1795, Kentucky was to have peace from that quarter until the preliminaries of the War of 1812 once more set the Kentuckians on the march. The actual invasion of the country south of the Ohio by formidable forces had ceased in the early 1780s. For some years following prowling bands of Indians of a half dozen or fewer made their way across the Ohio on horse-stealing forays; but by 1792 these were becoming rare.<sup>37</sup> In that year André Michaux, in traveling from Maysville to Lexington, noted farm houses scattered all along the way. Apart from the dangers of the abominable road, he found travel otherwise safe.<sup>38</sup>

But the wars and massacres the people had heretofore passed through left an indelible impress on their thoughts and characteristics. According to an early chronicler, "There is hardly a family which does not preserve the reminiscence of some mournful catastrophe, or cherish the recollections, they cannot be other than an original and highly romantic people."<sup>39</sup> Thomas Corwin, Kentucky-born but soon afterwards moved to Ohio, said of Kentucky's experiences in war, "If any community of people have lived, since the dispersion on the plains of Shinar, to this day, who were literally cradled in war, it is to be found in the state of Kentucky. The Indians' path of incursion in the West was moistened with Kentucky blood—our battlefields are white with Kentucky bones."<sup>40</sup>

Kentucky started out on statehood with a rich heritage of experiences, with a population vigorous and sturdy, and with unbounded enthusiasm for any task in the future. Gilbert Imlay, who had been a spectator of much that had happened, thus summed up Kentucky's achievements and her outlook: "Such has been the progress of the settlement of this country, from dirty stations or forts, and smoky huts, that it has expanded into fertile fields, blushing orchards, pleasant gardens, luxuriant sugar groves, neat and commodious houses, rising villages, and trading towns. Ten years have produced a difference in the population and comforts of this country, which to be portrayed in just colours would appear marvellous. To have implicit faith or belief that such things have happened, it is first necessary to be (as I have been) a spectator of such events."<sup>41</sup>

<sup>36</sup> *Ibid.*, June 18, 1791.

<sup>37</sup> Collins, *History of Kentucky*, I, 23; II, 567. They did not completely cross in 1793 as here stated by Collins.

<sup>38</sup> *Journal of André Michaux, 1793-1796*, in Thwaites, *Early Western Travels*, III, 38.

<sup>39</sup> Hall, *Sketches of the West*, II, 93-97.

<sup>40</sup> Quoted in Isaac Smucker, "1750—Kentucky History—1800" in *Magazine of Western History*, X, 504.

<sup>41</sup> Gilbert Imlay, *A Topographical Description of the Western Territory of North America* [London, 1797], third edition, 168.

## CHAPTER XXVI

### MATERIAL AND INTELLECTUAL PROGRESS, 1775-1792

The development of social conditions and the characteristics of Kentuckians has been discussed in the preceding chapter. It is now necessary in order to give a complete description of the people to note their material and intellectual progress. In no state in the Union did the economic welfare of the people hang on a more slender thread. Stagnation or prosperity depended entirely on the navigation of the Mississippi. This became the besetting problem from the time the country began to produce more than it consumed until the question was finally settled with the purchase of Louisiana in 1803.<sup>1</sup> Kentucky's material outlook was in the minds of the people predicated absolutely on the free use of this great highway.

Methods and ways of reaching Kentucky as well as communication within the country were necessarily of prime importance to its economic developments. Travel and transportation on land were confined almost altogether to horseback; while progress on the rivers was limited to pirogues and flatboats—down-river traffic alone being profitable or feasible.<sup>2</sup> As has been heretofore noted, the chief ways leading to Kentucky were the Wilderness Trail and the Ohio River. The ease of floating down the river was largely neutralized by the constant danger from Indian attacks. For this and other reasons the land route over the Wilderness Trail was the chief highway to the West down until about 1790. It not only served the North Carolina and Virginia pioneers, but it also offered a feasible road westward to people further north. Many immigrants from Maryland and even as far north as Philadelphia, rather than travel 300 miles to Fort Pitt to brave the dangers of the Ohio, came southward through the Shenandoah Valley to pick up the Wilderness Trail.<sup>3</sup> Virtually all travel back eastward went over this road.<sup>4</sup> Extensive as travel was by this course, it all went on foot or on horseback. No wheeled vehicle passed over it before 1795. Virginia had before the close of the Revolution enacted a law for the improvement of this great way, but nothing came of it. In 1792 a private subscription was taken up in Kentucky for this purpose, and during the summer of the same year work was carried on for about a month.<sup>5</sup>

As an increasing number of people began to use the Ohio River, the northern parts of Kentucky soon began to accumulate a considerable population. Louisville and Limestone now became important towns and their connection with the regions south of the Kentucky River assumed importance. In 1779 a ferry across the Kentucky River at Boonesbor-

<sup>1</sup> Long after the value of the river had been largely dissipated by other means and routes of communication, the Kentuckians still cherished the right to navigate it. When the Southern Confederacy was set up 1861, Kentucky entered a vigorous protest against closing the river.

<sup>2</sup> Some boats had been towed up the Mississippi and Ohio rivers during the Revolution; but it had been a slow and costly process.

<sup>3</sup> Thomas Speed, *The Wilderness Road* [Louisville, 1886], 1-47; Speed, *Political Club*, 21, 22.

<sup>4</sup> Parties generally collected at Crab Orchard to begin their journey.

<sup>5</sup> Speed, *Wilderness Road*, 47-51.

ough was authorized by act of the Virginia General Assembly.<sup>6</sup> This was the first link in the road system that was now growing up to make communication throughout the Central Kentucky region possible. During this period, Danville was the most important road center in Kentucky. The Wilderness Trail, leading directly to this place, poured out its stream of settlers to be scattered over the country. The road from Maysville to Lexington and on to Danville was the important highway for travel north and south. From Danville ran a road to Louisville; this road, in connection with the Maysville-Lexington-Danville road, formed the land route from Maysville to Louisville. For travel to regions south of Kentucky there was the Maysville and Nashville road, which made up the northern link of the old Natchez Trace. These were the main lines of travel in Kentucky when it became a state. Minor roads led off from Lexington, Danville and other places in all directions, as the large trees composing the forests stood well apart, making travel easy, with scarcely no clearing away of undergrowth necessary.

There were no post roads in existence in Kentucky at this time. Letters from the East were carried by responsible settlers moving westward; letters from Kentucky were often carried across the mountains by the groups that frequently gathered at Crab Orchard in order to make the trip over the Wilderness Trail in greater safety. Notices of the date of departure of these parties were regularly put in the *Kentucky Gazette* for the purpose of collecting their numbers as well as for announcing their willingness to carry letters back east. There was always a certain amount of travel back and forth of responsible people on business, as, for example, the Kentucky representatives in the Virginia General Assembly. They offered a safe and convenient way for carrying letters.

In the earliest days of Kentucky settlements there was felt little need for money. The economic order had not advanced to that stage where trade and traffic could no longer be conveniently carried on by barter. The earliest money was, of course, the Virginia paper currency, which had been carried westward by Virginia settlers. Interspersed with this were stray continental currency notes. But these paper notes were practically worthless. Virginia, by a law in 1781, took away the legal tender qualities of her paper issues, with the result that within a short time it required \$1,000 of them to buy one Spanish dollar.<sup>7</sup> Kentucky was thus given an early insight into the dangers that beset the issuing of paper money. But, as the region developed, some kind of money became absolutely necessary. In 1786 John Brown was calling for paper money as the only hope of saving the people from ruin. He would have the Virginia Assembly start its printing presses immediately.<sup>8</sup>

As Kentucky's trade connections became broader, she began to accumulate small amounts of gold and silver money. Dealings with the Spaniards brought in at times considerable amounts of Spanish coins. Wilkinson's tobacco trade with New Orleans not only gave the Kentucky farmers a market for their crops, but also brought back Spanish dollars and piasters. Just as this region became a refuge for many people of many kinds, so it became a till for the floating coins, good and bad, of almost every country that had reached that stage of civilization where money was coined. According to Durrett: "In addition to British and United States coins there was scarcely a civilized country on the globe with a mint whose coins did not circulate in Kentucky. The doubloons and piasters of Spain, the louis and ecus of France, the ducatoons and

<sup>6</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*. This was soon followed by acts authorizing the establishment of other ferries.

<sup>7</sup> Breckinridge MSS. [1786], John Brown to John Breckinridge, May 20, 1786.

<sup>8</sup> B. W. Duke, *History of the Bank of Kentucky* [Louisville, 1895], 7-9.



the rix dollars of Holland, the goulds and ducats of Austria, the frederics and florins of Prussia, the crusadores and moidores of Portugal, the lires and pistoles of Italy, the sequins and tomonds of Arabia, and the maces and rupees of India were circulated in Kentucky, and their value ascertained in case of doubt by weighing them in balances."<sup>9</sup>

But with the great variety of money to be found, the quantity was not large. Complaints were often made that "Northern merchants" soon leached out of Kentucky all money of any value.<sup>10</sup> Paper money, being of so small value, was actually worthless as a medium of circulation. Under these conditions the natural result was the use of articles of intrinsic value for money. Skins of animals and tobacco came to be important mediums of exchange—the latter was of special importance. In 1786 Virginia agreed to receive taxes from Kentucky in tobacco at twenty shillings the hundredweight and hemp at thirty.

Another step in the development of these rude makeshifts is seen in the appearance of tobacco warehouse receipts and land warrants. As Wilkinson developed his tobacco business, he received quantities of tobacco which had to be stored in warehouses to await shipment down the Mississippi. He issued receipts for this tobacco, which passed in many places as currency.<sup>11</sup> Another convenient form of exchange was the land warrants issued by Virginia. As they were secured by the amount of land called for, a lively traffic sprang up in them, both for use in securing land as well as for currency value. The following advertisement appeared in the *Kentucky Gazette*: "I have a large Quantity of military LAND Warrants—which [I] will dispose of upon reasonable terms for cash or likely horses at cash prices."<sup>12</sup>

There were, of course, no banks in this early period to administer to the financial wants of the people. However, an early prototype sprang up in Louisville in 1780. A certain John Sanders, a trader, came floating down the Ohio and on reaching Louisville tied up his boat and soon converted it into a "bank." His method of doing business was to receive furs and skins, and in return give out paper receipts. When he had disposed of his accumulated stock in New Orleans or some other market he would return in the fall and redeem the receipts he had given out. In the meantime these paper receipts circulated among the people as money.<sup>13</sup>

With all the varied foreign coins, continental and state paper currency, tobacco, hemp and fur receipts and circulating land warrants, Kentucky was continuously hard pressed for a medium of exchange. As a result barter played a very prominent part in the commercial transactions of the district and state. In 1788, John Bradford, editor of the *Kentucky Gazette*, inserted a notice in his paper that he would receive in return for subscriptions to the *Gazette*, "Beef, Pork, Flour, Wheat, Rye, Barley, Oats, Indian Corn, Cotton, Wool, Hackled Flax or Hemp, Linen or good Whiskey."<sup>14</sup> Wilkinson, in his tobacco business, often exchanged salt for tobacco. A store which had on hand dry goods and groceries advertised in the *Kentucky Gazette* that it would exchange them "for Bear, Otter, Beaver, Raccoon and Fox skins, Country made Linen and Sugar."<sup>15</sup>

The people had scarcely moved out of the forts and stockades before

<sup>9</sup> R. T. Durrett, "Early Banking in Kentucky" in *Proceedings of Kentucky State Bar Association*, 1892, 35-45, quoted in Duke, *History of the Bank of Kentucky*, 6. See also chapter on Swift's Silver Mines.

<sup>10</sup> Breckinridge MSS. [1786], John Brown to John Breckinridge, May 20, 1786.

<sup>11</sup> Verhoeff, *Kentucky River Navigation*, 65, 66.

<sup>12</sup> *Kentucky Gazette*, April 14, 1792.

<sup>13</sup> E. C. Griffith, "Early Banking in Kentucky" in *Proceedings of the Mississippi Valley Historical Association*, 1908, 1909, II, 168.

<sup>14</sup> *Kentucky Gazette*, November 22, 1788.

<sup>15</sup> *Ibid.*, April 14, 1792.

visions of great manufacturing cities began to arise before their eyes. There was an early distinct feeling that Kentucky's greatness lay along the lines of manufactories, and it was not abandoned for many years to come. This was an early expression of Kentucky's later attitude in favor of protection. In 1788 Harry Innes wrote John Brown: "If ever we are a great and happy people, it must arise from our industry and attention to manufactories."<sup>16</sup> One of the reasons for Innes' opposition to the adoption of the Federal Constitution was a fear that the new government would hamper Kentucky's chances in securing a market for her manufactured articles. The right of free navigation of the Mississippi River to its mouth was not necessary to the agricultural interests alone; it was indispensable to the fruition of the hopes and plans of these early would-be captains of industry. Innes declared in a letter to Brown that the closing of the Mississippi "will deprive us of the power of erecting any considerable manufactories because we shall have no means of procuring the materials to erect and carry on the different branches, which can only be procured from abroad."<sup>17</sup>

These thoughts on building up manufacturing plants in this virgin country were not day dreams to be dismissed from the mind when contemplation ceased to be pleasing. In the fall of 1789 the "Kentucky Manufacturing Society" was organized in Danville for the purpose of making cotton cloth and stockings. Among the members of this company were Harry Innes, Thomas Barbee, Christopher Greenup, George Nicholas and Samuel McDowell. This was a stock company appealing to the small investor as well as to the larger. A considerable proportion of the people in Danville bought small amounts of stock, many of them making payments in installments. This rather ambitious undertaking called for a carding machine, spinning machine and British stocking loom. Experienced workmen must be secured, among whom a manager, carder, spinner, and corduroy and stocking weaver were necessary.<sup>18</sup>

The only indispensable part of this undertaking west of the mountains was the determination to carry it out; the rest was in the East or in foreign countries. John Brown, who was the Kentucky representative in Congress now, was appealed to for his service in securing both machinery and workmen. In the spring of 1790 Brown, having secured the necessary machinery in Philadelphia and engaged a manager for the factory, started the outfit across Pennsylvania on wagons for Fort Pitt. Here they were loaded on a boat for Maysville.<sup>19</sup> It now seemed that within a short time Kentucky would be adding cotton cloth and stockings to her tobacco and hemp trade. But human frailties were destined to force a delay. The manager for some reason was arrested before he reached Kentucky, and as no one west of the mountains knew how to set up the machinery, the workmen who had been engaged were dismissed until the manager was released or another obtained. In the fall of 1790 active preparations went forward which resulted in the beginning of operations.<sup>20</sup>

Other manufactories were also engaging the attention of the people. The numerous salt springs and wells had invited the manufacturing of salt by the first explorers and settlers. As the process was simple, little capital was needed for small scale production. But the indispensable necessity which was produced and the fact that the extensive manufacture of salt was more expensive, early led Virginia to grant aid to salt-workers. In 1777 a group of settlers in Kentucky, feeling that certain

<sup>16</sup> *Innes MSS.*, 28. Harry Innes to John Brown, February 20, 1788.

<sup>17</sup> *Ibid.*, 28. Harry Innes to John Brown, December 7, 1787.

<sup>18</sup> *Innes MSS.*, 24. The early records of this society are preserved in this collection.

<sup>19</sup> *Ibid.*, 19. John Brown to Harry Innes, April 27, 1790.

<sup>20</sup> *Kentucky Gazette*, October 31, 1789, February 13, 1790; *Innes MSS.*, 24.

salt springs nearby were not being developed sufficiently by the claimants, petitioned Virginia "to take it into consideration and Order that the said Springs should be made public Property and be Manufactured by Government by which Means Government would be profited & your petitioners have speedy relief. \* \* \*" <sup>21</sup> The manufacture of salt was the earliest of the pioneer industries.

Another early industry was paper-making. The very first issues of the *Kentucky Gazette* carried the announcement that Jacob Myers had begun the erection of a paper mill in Lincoln County. "He flatters himself that in the execution of an undertaking which promises such advantages to the district, he will meet with the greatest encouragement from every good citizen who wishes to see arts and manufactories flourish." He called for old linen and cotton, and begged the people to save their rags for his agents, who would call for them. <sup>22</sup> Four years later another mill was set up in Georgetown, and by 1793 it was turning out paper in sufficient quantities as to supply the *Kentucky Gazette* with print paper. The issue of March 30, 1793, announces that it was printed on paper of Kentucky manufacture, made by Craig Parkers & Company. <sup>23</sup>

Various manufactories were springing up on all sides. In 1787 an enterprising Kentuckian offered for sale spinning-wheels "of every construction \* \* \* for cash or country produce, and that on the shortest notice." <sup>24</sup> In the same year a tan-yard was set up in Bourbon County and the promise was made to tan all hides received except buffalo skins. <sup>25</sup> Five years later a "Hat Manufactory" sprang up on the road from Lexington to Bourbon County. It announced that "Ladies and Gentlemen may be supplied on short notice." It promised to receive "Cash, young Cows and Sheep \* \* \* in payment for HATS." <sup>26</sup> By 1793 a tobacco factory had been set up in Lexington and was asking for the people's custom. <sup>27</sup> There were, of course, numerous grist-mills, some of which had been set up soon after Kentucky had a stationary population. One of the contemporary writers pictured this period as boom times in Kentucky. After mentioning the tobacco trade, he added that they had "also erected a paper mill, an oil mill, fulling mills and a great number of valuable grist mills." He then mentioned the salt works, sugar maple works, and the printing office. <sup>28</sup>

With due consideration for the complaints of hard times and money stringencies which had already begun to spring up and which were to continue for many years to come, still there can be little doubt that Kentucky was buoyant and developing fast. Laborers were few, and wages were high. For a decade or more this shortage of laborers was destined to be intensified. The main cause for this condition was the ease with which a newcomer could obtain land and become his own master. A contemporary report declared: "Laborers, particularly tradesmen, are exceedingly wanted here." <sup>29</sup>

Commerce with outside regions got its impetus during this period. It was so bound up with and hampered by the navigation of the Mississippi that it could not fully develop until the complete control of the river could be secured by the United States. As noted elsewhere, Wilkinson was responsible for this phase of Kentucky's commercial prog-

<sup>21</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 43, 44.

<sup>22</sup> *Kentucky Gazette*, August 15, 1787.

<sup>23</sup> Also see Collins, *History of Kentucky*, I, 516.

<sup>24</sup> *Kentucky Gazette*, September 8, 1787.

<sup>25</sup> *Ibid.*, October 13, 1787.

<sup>26</sup> *Ibid.*, April 14, 1792.

<sup>27</sup> *Kentucky Gazette*, September 28, 1793.

<sup>28</sup> Winterbotham, *An Historical View*, III, 155.

<sup>29</sup> *Ibid.*

ress. There was, however, beginning to grow up a trade of considerable proportions with the Eastern merchants, principally in Philadelphia. It was of unequal advantages, as the valuable manufactured articles brought across the mountains and floated down the Ohio must be paid for by something with at least a concentrated value. No Kentucky product could bear the expense of an up-river voyage and cross-country wagoning to the seaboard; the result was that most of their hard money went to these "Northern merchants." This trade gave rise to the first stores in Kentucky, saving the proprietary establishment set up by Henderson in 1775. In keeping with the route followed by this early trade, the first store sprang up in Louisville. Very soon thereafter Lexington could boast of a store—set up by the enterprising Wilkinson.<sup>80</sup> It received its goods by way of the Ohio River to Limestone and thence over the road to Lexington. But not all Eastern merchants used the river; one Andrew Bayard, a Philadelphia merchant, carried on an extensive trade over the Wilderness Trail and, unlike others, accepted in payment tobacco, which he sold in New Orleans.<sup>81</sup>

Although ambitious of manufactures and the commerce that went with them, Kentucky developed first and fastest in agriculture and stock raising. The fertility of the soil had been the chief attraction for the western invasion. As early as 1779 the forts and stockades began to break up, and the population commenced to spread out over the intervening country.<sup>82</sup> This marked the real beginning of agriculture as a business. Imlay observed: "As the country gained strength, the stations began to break up \* \* \* and their inhabitants to spread themselves, and settle upon their respective estates."<sup>83</sup> The principal crops were corn, hemp, and tobacco. The supplementary products, pork, beef, and fowls, also began to assume importance as an economic asset.

Slavery, heretofore noted as having produced the only flurry in the Constitutional Convention, had entered the region almost as early as its first settlers. Here slaves had done their share in subduing the wilderness, with both axe and gun.<sup>84</sup> Their task was not now and was never to be the hard drudgery that fell to the lot of the slave further south. The relation of the slave to his master and family was close and personal. As a result of this early life on the frontier, where often slave and master fought together for each other's protection, and on account of the agricultural system that sprang up here, slavery on the whole was ever marked by consideration and humanity. The first constitution showed this enlightened attitude. But wherever man enslaves man, there must be some discontent on the part of the slave, as well as opposition from the innocent bystander.

It was therefore not unnatural that slaves should run away from masters. This practice began in the pioneer period and continued until slavery was abolished. In 1788 the *Kentucky Gazette* carried a notice that two slaves had run away and that their master would give a reward of £5 for their return.<sup>85</sup> Opposition to slavery was as old as the institution itself. Many people, unable to own slaves, objected to a system which tended to elevate a portion of the population into a higher social caste than themselves, and consequently degraded honest toil. Others for philosophical and humanitarian reasons opposed it. This sentiment, crystallizing around religious denominations, was soon to burst forth with vigor. The Rev. David Rice, of the Presbyterian faith, had written and talked against slavery before Kentucky became a state, and had

<sup>80</sup> Ranck, *History of Lexington*, 106.

<sup>81</sup> Innes MSS., 24.

<sup>82</sup> George Rogers Clark Papers, cvii.

<sup>83</sup> Imlay, *A Topographical Description of the Western Territory*.

<sup>84</sup> Butler, *History of Kentucky*, 515, 517.

<sup>85</sup> *Kentucky Gazette*, July 12, 1788.

in the constitutional convention led the fight against that institution.<sup>86</sup> A contemporary poem on the West decried the iniquity:

"O come the time, and haste the day,  
When man shall man no longer crush!  
When reason shall enforce her sway,  
Nor these fair regions raise our blush;  
Where still the African complains,  
And mourns his, yet unshaken chains."<sup>87</sup>

By 1790 slavery had secured a strong foothold in the District. The census of this year gave over 12,000.<sup>87a</sup>

Intellectual progress was certainly as far advanced as might reasonably be expected from frontier community, beset in its earliest period with more dangers than fell to the lot of any other pioneer state. As stated elsewhere, a numerous element of the higher classes from Virginia and other states migrated to Kentucky. In this respect Kentucky showed a perceptible difference from later frontier communities. Instead of being made up almost exclusively of the lower classes, honest but unlettered, instead of being a lateral section of society and herself the under section, she was more truly a cross section, with a full proportion of all classes that made up the typical American community. Cut loose from all contact with the Eastern seaboard, intellectual and otherwise, robbed of books and newspapers, the people did not drift with the easiest current. There was an inquisitiveness and eagerness for news, attested by many later travelers. There was a mental alacrity that would not rest without the stimulus of acquiring knowledge for its own sake and debating questions for the mental training.

The Danville Political Club, heretofore noted, gives an interesting view of the intellectual attainments of the leaders of the community in Danville and the surrounding country. Just as this club concerned itself with questions, generally of a political nature, another society arising about a year later was primarily interested in the general knowledge of its members. This was the "Kentucky Society for Promoting Useful Knowledge," which was in the process of formation during the winter of 1787-1788 in Lexington. It was in reality an adjunct of the Political Club, an outlet for the energies of the latter in a different field. More than half of the members of the Political Club were members of this new society. During the period of its formation it consisted of thirty-eight members, a roster of the intellectual and political leadership of the District. Among its members were George Muter, Samuel McDowell, Harry Innes, William McDowell, Thomas Todd, Thomas Speed, Gabriel Johnson, John Brown, Joseph Crockett, Ebenezer Brooks, Caleb Wallace, Charles Scott, Levi Todd, James Garrard, Isaac Shelby, Humphrey Marshall and Christopher Greenup.<sup>88</sup> As its membership was widely scattered, and as the difficulties and dangers of travel prevented well-attended meetings, it was never able to accomplish fully the purpose for which it was founded.

Education for the masses of the people did not seriously engage the attention of the leaders of the times, due in most part to the impossibility

<sup>86</sup> A. E. Martin, *The Anti-Slavery Movement in Kentucky Prior to 1850* [Louisville, 1918], 12-14.

<sup>87</sup> *Kentucky Gazette*, July 19, 1788.

<sup>87a</sup> Many Kentucky owners of slaves, particularly from Bourbon County, moved to Chillicothe, Ohio, and freed their slaves, rather than live in a slave state.

<sup>88</sup> *Ibid.*, December 15, 1787. A notice and instructions for the election of officers is given here. It is reprinted in Collins, *History of Kentucky*, II, 193. Also see Ranck, *History of Lexington*, 123-124.

of its accomplishment; but the vision and the effort were also lacking now and long after conditions of the country could not be pleaded as an excuse. The first constitution, replete with interesting principles of government, was silent on education. The Northwest Ordinance of 1787 had made liberal allowances for education in the future states to arise north of the Ohio. But this was national aid, given in the abundance of land; Kentucky, never having been a part of the national domain, could not receive such a bounty. Instead she was left by the Virginia land laws with a maize of conflicting land titles, which future generations were long too busy themselves in their efforts to untangle.

But schools sprang up, administering to a limited number, before the pioneers had left the forts and stockades. A school was taught in Harrodstown by Mrs. William Coomes as early as 1775 or 1776.<sup>39</sup> Other fort or stockade schools soon arose. At McAfee's Station nearby, John May began a school in 1777, while two years later Joseph Doniphan taught a class of seventeen in Boonsborough. The Lexington fort was served by John McKinney in 1780. Regardless of formal schools and teachers, there undoubtedly was instruction of some kind in many other of the more than 200 forts and stations that dotted the country. Conditions under these circumstances were more propitious for educating the children than they were for many years after the people moved out from their concentrated centers broadcast of the country. These schools were elementary in their instruction and primitive in their equipment. The alphabet was learned from letters inscribed on wooden paddles, and the higher branches were undoubtedly taught at times from manuscript books. There is also evidence that the Bible was early used as a text for reading class.<sup>40</sup> Teachers were migratory, teaching when they were not employed at some other task.

The development of higher education in Kentucky was to differ greatly from the lack of efforts and a policy for common schools. The leaders early saw the advantage and necessity for a school of high standing in which their successors might be trained. To educate the few was also a much easier problem to solve. The fort schools and their successors were private or subscription schools; the first school of higher education was the direct outcome of Governmental aid and action. In 1779 Virginia passed a law confiscating the lands and property of Tories. Through the efforts of Col. John Todd the following year the lands that should be forfeited by Tories in Kentucky were to be set apart for a "public school or Seminary of Learning" to be established as soon as possible.<sup>41</sup> The law endowing the school with these lands declared "that it was to the interest of the Commonwealth always to encourage and promote every design which may tend to the improvement of the mind and the diffusion of useful knowledge, even among the remote citizens, whose situation in a barbarous neighborhood and a savage intercourse might otherwise render them unfriendly to science."<sup>42</sup> The result of confiscation proceedings in Lexington in this year was the adding of 8,000 acres to the endowment; three years later an additional 12,000 acres of these escheated Tory lands were secured; and in 1787 Virginia added one-sixth of all surveyors' fees in Kentucky, which had heretofore gone to William and Mary College.<sup>43</sup> The first meeting of the board of trustees of this new school, called Transylvania Sem-

<sup>39</sup> A. F. Lewis, *History of Higher Education in Kentucky* [Washington, 1899], 11, 12; W. Chenault, "Education in Kentucky" in Smith, *History of Kentucky*, 688-691.

<sup>40</sup> Chenault, "Education in Kentucky" in Smith, *History of Kentucky*, 690, 691.

<sup>41</sup> Siebert, "Tory Proprietors of Kentucky Lands," 16, 25.

<sup>42</sup> Chenault, "Education in Kentucky" in Smith, *History of Kentucky*, 692.

<sup>43</sup> A more extended account of this remarkable institution will be found in a special article in this work.

inary, was held at Crowe's Station, near Danville, in 1783, resulting in the setting up of a grammar school there the following year.<sup>44</sup> As the District was beset with Indian wars about this time, conditions were not favorable for the progress of such an undertaking. Calls on the people for subscriptions to enable the school to open brought no aid, but Rev. John Todd, of Louisa County, Virginia, heard the plea and sent the beginnings of a library and other useful equipment to the school. As all efforts to raise money locally for the school met with failure, the trustees in 1789 moved it to Lexington, where it later developed into the pre-eminent educational institution of the West.

Efforts of the Transylvania trustees, aided by Virginia, to establish a secondary school were soon followed by private individuals in setting up academies, or seminaries, as they were commonly called. John Filson, a Pennsylvanian, came to Kentucky in 1783 and soon thereafter opened a school in Lexington which approached academy proportions in its instruction. During this period he was also busied in the writing of his history of Kentucky. In the early part of 1788, he announced that he would open an academy in the following April in Lexington in which "the French language will be taught, with all the arts and sciences used in academies."<sup>45</sup> In his announcement he entered into a discussion of the advisability of establishing his school in the town as opposed to the country. He decided that the proper place was in town as:

"Experience proves that a being determined on folly, will find as many opportunities in the country, as in town, with the addition of a greater secrecy in accomplishing his designs; many mean and vicious practices can be effected, which in a public situation the unavoidable idea of detention would effectually prevent; this obvious from a view of a country student walking out of school, he carelessly hulks his body along in clownish gestures, pays no respect to a genteel movement, from a consciousness that no eye beholds him, fears not the contempt or ridicule which must be consequent upon such a conduct in a respectable town, or if in a public situation indecorum should pass unnoticed by all, but the teachers, then is the most pertinent season for admonitions, when the culprit must be sensible upon the smallest observation of the ruinous consequences to all character and future reputation, which he must unavoidably sustain. I conceive the voice of thunder could not make more serious impressions. Experience beyond doubt will confirm these observations."<sup>46</sup>

This argument brought the unexpected satirical rejoinder of "Agricola," who took exception to Filson's use of English as much as to his argument. He was especially anxious to know the history and meaning of the word "hulk." He ventured to inquire if "young ladies, educated in the country" were "guilty of the sin—of hulking." Continuing his satirical shafts he said the question arose from the fair sex themselves, who had taken the alarm. They fully believe that the crime of hulking, which you have so indiscriminately charged upon their brothers, is a rude stroke of satire, indirectly aimed at them. Take heed good Sir; 'tis death to provoke the Fair." A beginning of sectional feeling against the North is evidenced in this extract from "Agricola's" letter: "What peculiar charms have northern teachers to inspire virtue, suppress vice, and explode all party spirit, that southern teachers do not possess?" He took this final fling at the "Yankee teacher": "Lastly, for the benefit of such as cannot give their children a public education,

<sup>44</sup> *Library of Southern Literature*, XVm, 146; Lewis, *History of Higher Education in Kentucky*, 13, 14.

<sup>45</sup> *Kentucky Gazette*, January 19, 1788. This announcement together with the correspondence of "Agricola" are copied in R. T. Durrett, *John Filson* [Louisville, 1884], 119-121.

<sup>46</sup> Durrett, *John Filson*, 120, 121.

be pleased to point out that peculiar moment, that particular nick of time when admonition, like a thunderbolt, shall knock a hulking boy out of his 'awkward gestures' into a 'genteel movement'." Filson answered "Agricola" by declaring that the latter had proposed "a few silly and impertinent questions, which I shall take no notice of. Your officious performance Reflects no reputation, indicating a Spirit of altercation, which in every attitude I view with contempt. As you have been so personal with me, you will please to leave your name with the printer and oblige JOHN FILSON."<sup>47</sup>

In this same year [1788] there were at least four other private academies being taught. Joshua Fry was teaching a school in Mercer and Samuel Finley, in Madison. A school which James Priestly had been teaching for two years in Bardstown was incorporated during this year by the Virginia Legislature as Salem Academy.<sup>48</sup> Another school was established at Lebanon [Georgetown] under the patronage of Elijah Craig, which promised to "teach the Latin and Greek languages together with such branches of the sciences as are usually taught in public seminaries." The following terms and advice were given: "For diet, washing and houseroom, for a year, each scholar pays three pounds in cash, or five hundred weight of pork on entrance, and three pounds cash on the beginning of the third quarter. It is desired that as many as can would furnish themselves with beds; such as cannot may be provided for here to the number of eight or ten boys, at thirty-five shillings a year for each bed. \* \* \* It would be proper for each boy to have his sheets, shirts, stockings, &c. marked, to prevent mistakes."<sup>49</sup>

Within a short time the academy movement had spread throughout the state. As will appear later, they were included in an ambitious scheme of education by the state and given important land endowments.

The only newspaper in the state was the *Kentucky Gazette*, provided for by the second convention called to vote on separation, and established in Lexington by John Bradford in 1787. The first issue was on the eleventh of August.<sup>50</sup> The important part it played in the development of thought on separation had already become evident. This paper was the forerunner of a fruitful period of journalism, which developed within the next two decades.

<sup>47</sup> *Ibid.*, 121.

<sup>48</sup> Lewis, *History of Higher Education in Kentucky*, 12, 13.

<sup>49</sup> *Kentucky Gazette*, January 14, 1788. This announcement is copied in Collins, *History of Kentucky*, II, 194.

<sup>50</sup> Bradford made this editorial apology in the first issue: "My customers will excuse this my first publication, as I am much hurried to get an impression by the time appointed. A great part of the types fell into pi in the carriage of them from Limestone to this office, and my partner, which is the only assistant I have, through an indisposition of the body, has been incapacitated of rendering the smallest assistance for ten days past." W. H. Perrin, *Press of Kentucky* [Louisville, 1888], 10.



## CHAPTER XXVII

### PUTTING THE GOVERNMENT INTO OPERATION: EXECUTIVE, LEGISLATIVE AND JUDICIAL CONTROVERSIES

The new government of the Commonwealth of Kentucky was formally inaugurated on June 4, 1792, in Lexington. In the preceding May, Isaac Shelby had been instinctively turned to as the first governor. He received formal letters of congratulation and good wishes from Danville and Lexington, and the population as a whole felt proud in honoring honest Isaac Shelby by making him their first governor.<sup>1</sup> The general feeling was much akin to that shown on the election and inauguration of Washington. Like him, Shelby proceeded on horseback from his home to the temporary capital, greeted by the people along the way. He stopped in Danville and was there given a cordial welcome.<sup>2</sup> He then proceeded on to the Lexington, where he was received with well-planned and well-executed formalities. Rifle-fire, enlivened now and then by an old six-pounder, announced his arrival. John Bradford in a short speech formally welcomed him to the town, after which Shelby headed the procession to the Sheaf of Wheat Inn, which became the governor's mansion for the time. The Legislature organized for its first session in the log capitol, set aside for its use, with Alexander Scott Bullitt as speaker of the Senate and Robert Breckinridge, speaker of the House. Governor Shelby appeared at the appointed hour and read in person his message. Each senator and representative was presented with a copy. Later a reply was made by each House. The formal ceremonies were concluded by the firing of fifteen rounds by the Lexington Infantry stationed on the outside.<sup>3</sup>

Amidst these simple and unostentatious surroundings a pioneer commonwealth was being inaugurated with ceremonies that smacked of royalty. Like a king of England presenting his message to Parliament, Shelby addressed his Legislature; and just as the English Parliament voted its reply to the king, so these frontier lawmakers answered with addresses to Governor Shelby. True enough, the example of George Washington was before him. This practice of the governor presenting his message in person was not dropped until Governor Scott's time.

One of the arguments that had been advanced with telling effect against statehood was that increased taxes would have to be imposed in order to meet the salaries of the numerous state officers. Out of respect for this desire for economy, the remuneration for public service was made entirely inadequate. This was especially true in the most important instance, the judiciary. The salary of the governor was fixed at \$1000 per annum; the members of the executive departments received \$333  $\frac{1}{3}$ ; and the members of the highest court received \$666  $\frac{2}{3}$ . The Legislature with commendable self-control fixed the pay for its members at one dollar per day while in session. A chaplain while in good taste

<sup>1</sup> These letters are preserved in the *Durrett MSS. Collection*.

<sup>2</sup> *Kentucky Gazette*, June 9, 1792.

<sup>3</sup> G. W. Ranck, "How Kentucky Became a State" in *Harper's Magazine*, Vol. 85 [June, 1892], 46-49; *Kentucky Gazette*, June 23, 1792; Ranck, *History of Lexington* 172-174.

was still not necessary for the governing of the commonwealth. He either served for nothing, or received a collection from the members. In 1798 the House of Representatives provided a salary for the chaplain, by each member agreeing to deduct one dollar from his own pay.<sup>4</sup> The first revenue bill included taxes on land, cattle, carriages, and billiard tables.

Among the most important work to be performed by the First Legislature was the establishing of the judiciary system and the selection of a permanent capital. The method of performing the latter task was somewhat peculiar. The constitution provided that the House of Representa-



OLD ORIGINAL COURT HOUSE AT LEXINGTON

tives should by ballot choose twenty-one persons, out of which number was to be finally selected five commissioners who should fix upon the site for the capitol. The process of elimination was to be carried out by the delegations from Fayette and Mercer counties, each striking out alternately one name until there should be left only five. This method was a compromise formulated by George Nicholas, to give the two counties competing for the capitol an equal show. According to the resolution introduced into the constitutional convention by Nicholas, the five commissioners "shall have power to fix on the place for the seat of Government and to receive grants from individuals therefor & to make such conditions with the proprietors of the lands so pitched on by them, as to them shall seem right & shall be agreed to by the said proprietors, and

<sup>4</sup> *Mirror* [Published at Washington, Kentucky], January 13, 1798.

lay off a town thereon in such manner as they should judge most proper."<sup>5</sup>

The action contemplated did not limit the commissioners to a choice of a town, but made it possible for them to create a capitol on any location that might seem desirable. It was also contemplated in the provisions that whoever was honored with the capital should pay for it. Seven towns made application and presented their inducements.<sup>6</sup> Danville, which had been the political center of the state up to this time, did not enter a bid. The list of applicants was composed of Legerwood's Bend, Delany's Ferry, Petersburg, Louisville, Lexington, Frankfort, and Leestown. After canvassing the offers of each of these places, the commissioners reported to the Legislature on December 5 that "Frankfort was the most proper place for the seat of government." Three days later the Legislature approved this recommendation and the 22nd of the month adjourned "to hold its next sessions in the house of Andrew Holmes at Frankfort, on the Kentucky river."<sup>7</sup>

Having an empty treasury to start with, the state was naturally to a large extent influenced by the persons making the best offer in lands, money, and materials. The actual accessibility and situation seem to have played a minor part in the consideration of the commissioners. The efforts put forth by these early inhabitants of Frankfort and the material offer they made shows a public spirit and civic pride that was not only surprising but in fact amazing. For a temporary state house, they gave rent free for seven years a dwelling house built by James Wilkinson; and for a permanent capitol building they deeded in fee simple eight public lots. They also gave thirty lots for additional grounds, and if more were found necessary, they agreed to donate twenty-five half-acre lots yet to be laid off. These were ample provisions for all building activities and grounds to go with them. But actual aid in money or its equivalent was also exacted by the commissioners. The town gave the rents arising from tobacco and flour warehouses for seven years. For the erection of the capitol, citizens of the town gave ten boxes of window glass, 1,500 pounds of nails, \$166  $\frac{2}{3}$  worth of locks and hinges, and the necessary amount of stone and lumber. A private sawmill was donated to cut the lumber and two horses and a wagon were furnished to haul the stone and lumber to the capitol grounds. Eight citizens gave their bond to pay the state \$3000 in gold or silver. Frankfort had made a practical offer and much beyond what should have been expected of so small a town. Five years later the total population was only 441, including 112 slaves. Judging it by the standards of rapid growth that prevailed in Kentucky at that time, it must not have had half that number when the capitol was secured. A few men with a strong faith in the future of their town were responsible.<sup>8</sup>

But this heroic effort of Frankfort was not to secure her the undisputed possession of the state capital for all time to come; for more than a century she was forced to defend her conquest, resorting to one strategy and another to keep the disappointed cities of Lexington and Louisville from securing it. When the capitol burned in 1813, the citi-

<sup>5</sup> *MS. Minutes of the Constitutional Convention of 1792*, p. 19, in *Durrett MS. Collection*. The language but not the import of this resolution varies slightly from the finished form in the Constitution. The commissioners were appointed June 18, 1792. They were John Allen and John Edwards, of Bourbon County, Robert Todd, of Fayette, Henry Lee, of Mason, and Thomas Kennedy, of Madison.

<sup>6</sup> Collins, *History of Kentucky*, II, 181, 182.

<sup>7</sup> *Ibid.*, 182. Todd voted for Frankfort because he owned 1,000 acres adjoining Lexington, and feared he would be accused of self-interest if he voted for Lexington.

<sup>8</sup> J. M. Brown, *An Address Delivered on the Occasion of the Centennial Commemoration of the Town of Frankfort, Kentucky, 6th of October, 1886*, Pamphlet, 38pp. Collins, *History of Kentucky*, II, 181, 182.

zens of Frankfort and the surrounding county came to the rescue with almost \$20,000 to help replace it.<sup>9</sup> In 1824 the capitol burned again, and again Frankfort was forced to fight to prevent the removal to some other city. These unfortunate fires destroyed many of the invaluable state records, the loss of which is still keenly felt by those who would know more of the state's early legislative history.

The disappointment of Lexington in losing the capital was keen. A few years later when a straggling Indian or two seemed to approach the capital, Lexington spread the report that the Legislature had been broken up by an Indian raid, which showed conclusively that Frankfort was no place for the seat of government. A few weeks after the Legislature adjourned to meet next in Frankfort, the following squib appeared in the *Kentucky Gazette*: "Be it known, that all persons, who have business to transact with the Government of Kentucky, may by enquiry find the Executive in the neighborhood of Knob Lick, the Secretary sometimes in Lexington, the Auditor in Mercer County; the Treasurer in Lincoln County; the Register sometimes in Lexington; the Superior Courts at the spot the public convenience stubbornly requires them [Lexington]—the Federal Court for this district at Harrodsburg; the Postoffice at Danville—the Legislative body the Lord knows where, perhaps in the pleasant valley of Frankfort. \* \* \*"<sup>10</sup>

The other important work of the First Legislature was to establish and put into operation the state judiciary. The highest court was called the Court of Appeals and was presided over by three justices. The inferior courts consisted of county courts, courts of quarter session, and a court of oyer and terminer. The Court of Appeals was organized on June 28, 1792, with Harry Innes, as chief justice, and Benjamin Sebastian and Caleb Wallace, as associates. This was in effect the continuation of the personnel of the old District of Kentucky court, with the exception of George Muter, who was given a less lucrative position in the court of Oyer and Terminer at \$100 a year. Harry Innes succeeded to the chief justiceship from the attorney-generalship of the old District court. It was commonly believed that Muter failed of appointment to the highest court because of his position of conservatism in the separation fight, and also because of his Federalism, which he naturally fell into. But before the end of the year [1792], Innes was appointed to the Federal District Court of Kentucky and accepted. The vacancy left by him was then filled by the appointment of Muter.<sup>11</sup>

Before the end of the century every one of the three departments of government passed through more or less serious crises. The judiciary was the one most gravely affected. The fight that here began on the courts was destined to continue, regardless of the settlement of minor incidents, until the very foundations of the state were threatened. The occasion for the first ruffle involved the Court of Appeals. In the case of *Kenton v. McConnell*,<sup>11a</sup> concerning a land suit, the court by a two to one vote handed down an unfortunate decision which overturned a ruling of the Virginia Land commissioners. As thousands of land-claims were

<sup>9</sup> The chief men in Frankfort at this time, who were responsible for securing the capital were Andrew Holmes, Harry Innes, Nathaniel Sanders, Bennet Pemberton, Benjamin Craig, Jeremiah Craig, William Haydon, Daniel James, and Giles Samuel. Citizens of Frankfort and Franklin County were not alone in the subscriptions. The following contributions were also received: Henry County citizens, \$13; Louisville, \$50; Lexington, \$350; Shelby County, \$330; Woodford County, \$550; and \$100 from a citizen of Virginia. Collins, *History of Kentucky*, II, 246. Both the first and second constitutions provided that the capital could be removed by a two-thirds vote of both houses of the Legislature.

<sup>10</sup> *Kentucky Gazette*, January 12, 1793.

<sup>11</sup> W. H. Whitsitt, *Life and Times of Judge Caleb Wallace* [Louisville, 1888], 136, 137.

<sup>11a</sup> See *Kenton vs. McConnell*, Hughes' Reports, p. 103, printed by John Bradford.

based on the work of these commissioners, visions arose in many households of the loss of all their property. The flood of land suits that was sure to follow, if not checked some way, would have almost engulfed the land system of the state. A furor of protest and excitement followed, which when the next session of the Legislature met found immediate expression. It was argued by some that the decision was made for the unholy purpose of providing business for the lawyers. Judge Wallace, who was the minority justice, wrote a dissenting opinion which carried much weight. When the Legislature met in 1795, the movement was started at once to impeach and remove the obnoxious justices by address. The Senate passed a resolution for this purpose, but not by the two-thirds majority required by the constitution. Regardless of this failure, it sent the resolution to the House for action. The lower branch which representing more closely the popular clamor, summoned Muter and Sebastian to appear before that body. They refused on the grounds that the legislative power had no authority to review or in any way interfere with the decisions of the judiciary. The House then took refuge behind a resolution declaring that Muter and Sebastian were "altogether destitute of that judgment, integrity, and firmness, which are essential in every judge; but more especially in judges of the Supreme court; and that there is no security for property so long as the said Judge Muter and Benjamin Sebastian continue as judges of the court of Appeals." The attempt to address the judges out of office failed. However, it had a very sobering as well as menacing effect on the court. In May of the following year Justice Muter reversed his opinion in the court's review of the original case. This quieted the trouble.<sup>12</sup> One of the direct results of the whole affair was to develop and confirm the suspicions and fears that many had already begun to harbor toward the courts. It also showed the people the power that excitement and popular clamor could wield, a weapon to be made use of in a much more serious disturbance which was to convulse the land thirty years later.

The situation was solved before it had time to develop to the point of a legislative assault on the very foundations of the court. No attempt was made to abolish the court in order to get rid of the judges, who could not be addressed out of office; but the original jurisdiction, that had been conferred on the Court of Appeals in land suits was taken away. It could at least prevent a disliked court from further tampering in its ill-judged decisions with so fundamental a part of the economic fabric as land tenure. A general reorganization of the judiciary was undertaken at the same time [1795]. The Court of Oyer and Terminer had been an object of attack from the first. Although its personnel to begin with was of a high talent (George Muter, Samuel McDowell, and Christopher Greenup were the first judges); they soon resigned, and the salary of \$100 a year failed to attract men learned in the law, who could in a private practice amass many times that amount. Six district courts were created to assume most of the powers of the court abolished, and to have jurisdiction in suits involving land. In fact, the business of the district courts came in time (before they, too, fell at the hands of the Legislature) to be made up almost altogether of land cases. Changes of less importance were made in the other courts.<sup>13</sup> Not only were the judges of the Court of Oyer and Terminer repealed out of their positions, but the same fate befell the judges of the county courts in their reorganization. This set up a dangerous precedent, which faulty logic years later demanded should be applied to the Court of Appeals, the only court that

<sup>12</sup> *Kentucky Gazette*, February 12, 1795; Whitsitt, *Life of Wallace*, 136, 137, Butler, *History of Kentucky*, 252-254.

<sup>13</sup> *Ibid.*, 239. The District Courts met at Washington, Paris, Franklin, Lexington, Danville, and Bardstown.

the constitution-makers had made impregnable as far as constitutions can go.

The criminal laws of the state also met with early and widespread disapproval. As the constitution continued until repealed all general laws in force in the District of Kentucky when it became a state, the Virginia criminal code, which contained much of the severity of the British laws, remained. All the states had inherited the English system; but many modifications had been made to suit local needs. But everywhere prison conditions and criminal laws were very severe. Virginia had made less progress of amelioration than most of the other states. As a result when Kentucky became a state she inherited a code which



OLD COURTHOUSE, CONSTRUCTED IN 1794 AT WASHINGTON, MASON COUNTY

imposed the death penalty for twenty-seven crimes. New York at this time had sixteen capital crimes, while Massachusetts, Connecticut, and Rhode Island had ten each.<sup>14</sup> It was from the impossibility of immediately revising the criminal code and not from a desire to adopt eastern severities, that Kentucky continued the Virginia code. The newer and more practical democracy of the frontier, despite the hard life incident thereto, was opposed to these mediaeval survivals. The Danville Political Club debated in 1787 the question, "Ought capital punishment to be inflicted for any other crime than that of murder and treason?" and decided that no other crime ought to be so punished.<sup>15</sup>

<sup>14</sup> *Report of the American Historical Association*, 1905, I, 67. According to the *Proceedings of the American Historical Association*, Vm, 364, 365, the number of capital crimes was 160. This is undoubtedly a mistake.

<sup>15</sup> Speed, *Political Club*, 125, 126.

The principle of widespread capital punishment was distasteful, but the practice soon came to be intolerable. For crimes whose effect little endangered the state of the well-being of society death was meted out. Instead of preventing crime this severity actually increased it. The movement to bring about a change started with the very beginning of the commonwealth. "Aristides" writing in the *Kentucky Gazette* lamented the increase of crime due, he believed, to this very cause. He advocated the adoption of the reforms that had been put into practice in Pennsylvania.<sup>16</sup>

John Breckinridge, who was one of the most talented lawyers in the state and who more than any other was a leader of western democracy and all it stood for, was soon urged to conduct the fight for more humane laws. William McDowell appealed to him to use his influence to obtain a pardon for a client who was sentenced to death for a trivial offense. McDowell added that "my reading and experience has ever taught me to



CABIN OF JOHN CLARK BUILT ON BEARGRASS CREEK, AND CALLED MULBERRY HILL WITHIN GEORGE ROGERS CLARK PARK, LOUISVILLE, IN 1921

think that laws so sanguinary as those, we have borrowed from Great Britain, ought not to be continued in force among us."<sup>17</sup> Petitions were also got up praying for relief. In the following draft of a petition is an indictment against the system:

"That they feel the most painful sensation when they reflect on the present sanguinary code of Criminal Laws which prevail in our State. They conceive it both unjust and impolitic. It is unjust because the power assumed by Government to deprive a citizen of cases, where the immediate safety of the Community is not involved, is arbitrary and must have originated from the source of Despotism. It is unjust because the punishment in most cases infinitely exceeds the quality of the crime. It is impolitic because the humanity of enlightened freemen revolts at the injustice and wanton affusion of human blood which mark the existing Criminal Laws. Your petitioners conceive that the induce-

<sup>16</sup> *Kentucky Gazette*, November 8, 1794.

<sup>17</sup> *Breckinridge MSS.* [1794]. William McDowell to John Breckinridge, May 20, 1794.

ments to rigorous and sanguinary Laws, having ceased to exist in America, they flatter themselves that the representatives of the freemen of Kentucky will not hesitate to adopt a system more correspondent to the genius and spirit of a free Government. These are a few of an indefinite variety of reasons that might be adduced to demonstrate the propriety of a reform.

"But your petitioners would but suggest the importance of an immediate attention to this subject, and submit it to the wisdom of that body in whose hand is placed the happiness of their Constituents." <sup>18</sup>

As the years went on, the movement became so persistent for reform that action soon resulted. By 1796 Breckinridge was actively working on a new code. In January of 1797 he was urged by Thomas Bodly of Lexington to "Go on, & prosper in your alterations and amendments in the Criminal Code it fully meets with the approbation of the people of this place, & every proper exertion will be used by them to accomplish it." <sup>19</sup> It was not strong opposition that had prevented action before this time; but rather inertia and the lack of proper interest in the Legislature. Final success to a six-year agitation came in the session of 1797-1798.

According to the preamble of the new criminal code, "the reformation of the offenders, an object highly meriting the attention of the laws, is not affected at all by capital punishments, which exterminate instead of reforming, and should be the last melancholy resource against those whose existence is become inconsistent with the safety of their fellow citizens." It also inferred that each citizen had an economic worth to the state, and that the destruction of life weakened the state and society to that extent, and forever cut off the possibility of reform. The pendulum swung far in the other direction in this new law. Now only one crime was to be punished with death. This was murder in the first degree, which shall include "all murder which shall be perpetrated by means of poison, or by laying in wait, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery or burglary." <sup>20</sup> All persons guilty of taking human life, not adjudged first degree murder were subject to punishment by imprisonment from five to eighteen years. Since the policy of annihilation had now given way to a more humane system of reformation, the first necessity for a penitentiary was felt. The state, therefore, established at this time at Frankfort its first "jail and penitentiary house," as it was termed.

This law was in reality a code in which all offences against peace and dignity of the state were listed and punishments designated. The rough and inhuman manner of fighting, heretofore mentioned, was thus dealt with by the new code: "Whosoever on purpose and of malice aforethought, by laying in wait, shall unlawfully cut out, or disable the tongue, put out an eye, slit the nose, ear or lip, or cut off or disable any limb or member, with intention in so doing to maim or disfigure such person, or shall voluntarily, maliciously, and of purpose, pull out or put out an eye, while fighting or otherwise, every such offender, his or her aiders, abettors and counsellors" shall be on conviction confined in the "Jail and penitentiary house" from two to ten years and pay a fine not exceeding \$1000. <sup>21</sup> Slaves were specifically excluded from the benefits of this act.

<sup>18</sup> Breckinridge MSS. [1793]. This was evidently a draft of a petition first submitted to Breckinridge for his opinion. This statement is written on the back: "It will not do; draw one." Objection was doubtless due to the strong language used in referring to the Government.

<sup>19</sup> Breckinridge MSS. [1797]. Letter dated January 15, 1797.

<sup>20</sup> The text of the law is given in the *Mirror*, March 17, 1798. Also see Butler, *History of Kentucky*, 281.

<sup>21</sup> *Mirror*, March 17, 1798.



This exception brought on much criticism. It was maintained that slaves were human beings and as such should not be treated differently in cases of life and death from freemen.<sup>22</sup>

Thus, again did the vigorous democracy of the frontier forge far ahead of the older communities in the East. But later on, many came to believe that the reaction had carried the law-makers too far in their zeal for reform. One capital crime alone they believed was insufficient protection both to life and the social welfare.

Popular agitation was not to be confined to the judiciary and the penal code; the Legislature also came in for a disturbance which for a time affected a people zealous of their political institutions but more especially of their treasury. The starvation salaries fixed for the state officials by the First Legislature never ceased to remain the object of concern and subject of criticism by those who noted their evil effects. The dignity and efficiency of the Government suffered from this penurious policy which had been forced on the First Legislature by the pressure of popular opinion. The courts were most seriously affected; for the training required for a good judge, whom the state would pay from \$100 to \$666  $\frac{2}{3}$  a year, would also qualify a man to earn as a lawyer ten times that amount and more. Governor Shelby in his message to the Legislature in 1793 had called attention to the inadequate salaries of the judges, and especially the judges of the Court of Oyer and Terminer, who received only \$100 a year.<sup>23</sup> In 1796 the Legislature finally decided to brave popular wrath and increase the salaries of the state officials. The governor was given an increase of one-third, and the officers of the executive departments were raised from \$333  $\frac{1}{3}$  to \$600. The Legislature timidly increased its own members' pay from \$1.00 a day to \$1.50.

The people were ill pleased with this expenditure of their money. The ones easiest to attack were the very ones who were guilty. The discussion started on the eligibility of members of the body who had voted the salary increase to sit in the next Legislature. The constitution provided that "No Senator or Representative shall, during the time for which he shall have been elected, or for one year afterwards, be appointed to any civil office under this State, which shall have been created or the emoluments of which shall have been increased during the time such Senator or Representative was in office. \* \* \*"<sup>24</sup> The discussion centered around the question of whether a legislator was an officer in the meaning of the constitution.<sup>25</sup> The agitators passed over the direct implication in the word "appointed," which undoubtedly carried the meaning of the appointees of the governor, and, therefore, had no reference to the legislators, who were "elected." They also failed to note that the question they were trying to stir up was answered by inference in the provision of the constitution dealing directly with the legislators. This clause stated that no increase in the pay of the Legislature should take effect during the existence of the body making the alteration.<sup>26</sup> This disturbance, however, never got far beyond the limits of academic discussion. The chief importance of this episode was to show the possibility of raising doubts as to the real meaning of the constitution by those who could find no other grounds so inviting for leveling their attacks against something they did not like.

The third and last department of the Government to come in for a jarring was the executive. In the election of a governor to succeed Isaac Shelby in 1796, the electoral college failed to give a majority to any of the four men voted for. Benjamin Logan received twenty-one

<sup>22</sup> *Mirror*, March 24, 1798.

<sup>23</sup> *Kentucky Gazette*, November 23, 1793. Collins, *History of Kentucky*, I, 509.

<sup>24</sup> Article I, section 4.

<sup>25</sup> *Kentucky Gazette*, July 9, 1796.

<sup>26</sup> Article I, section 23.

votes, which was plurality; James Garrard was given seventeen, Thomas Todd, fourteen, and John Brown, one.<sup>27</sup> The question immediately arose as to whether there had been a legal choice made. The constitution failed to say whether a majority was necessary, or simply a plurality. The electors decided that a majority was necessary; so they voted on the highest two, Logan and Garrard. The latter was chosen despite the fact that Logan had received five more votes on the first ballot. This apparent injustice to Logan aroused a wide-spread agitation. His supporters believed he had been robbed of an office which he had been elected to fill. They declared that a second ballot was not necessary as the constitution did not require a majority. Logan, himself, felt keenly the sting of defeat. He did not intend to tamely submit without a struggle. He addressed a communication to John Breckinridge, the attorney-general, asking an opinion from his department. Breckinridge wisely refused to add to the dangers of the present situation, by committing the Government on the question. However, he was not loath to give his views in the capacity of a private citizen. Disclaiming at the outset that he was writing an official opinion, he declared that Logan had been elected. The constitution made no provision for a second ballot, except in case of a tie. He declared that this was proof sufficient that no second ballot could be argued even by implication. The fact, urged by some, that the states on the seaboard chose the highest two to vote on where a majority was not obtained on the first ballot, could have no weight in Kentucky, for Kentuckians were not beholden to the East for their constitutional principles or the interpretation of their framework of government. Moreover the electors were merely a representation of the popular vote, where the highest vote always elected regardless of whether it was a majority or merely a plurality. Sound logic would apply the same rule to the electors. He summed up his opinion by stoutly maintaining "That gen. Logan was constitutionally elected Governor upon the first ballot, and ought to have been declared and returned as such by the electors."<sup>28</sup>

With this pronouncement by Breckinridge and his strong arguments therefor, Logan's case was greatly strengthened; and if pressed the outcome would have been difficult to foresee. The Senate, which had been invested by statute with the power to decide disputed gubernatorial elections, was now appealed to by Logan. But it, following a unique line of reasoning, refused to interfere; for it declared any law that does not promote the peace and welfare of the state is unconstitutional and this law comes under that classification.<sup>29</sup> With no further legal recourse, Logan, disdaining the use of violence, let the controversy drop. The good sense of the leaders as well as of the masses, reinforced by an inborn respect for law and order, prevented a dangerous situation from developing into something worse. "A Citizen" writing in the *Kentucky Gazette* saw ambition and selfishness at the root of the trouble. "How long shall we be the sport of an ambitious few?" he inquired, "and when shall we see the period arrive, that a sincere affection for the peace and dignity of our country shall lead us to suppress with indignation the interested and designing."<sup>30</sup> This trouble was the direct outcome of an honest difference of opinion on the interpretation of the constitution.

Within four years after the constitution had been put into operation three controversies had arisen involving the three departments of government carrying with them a dispute over or a disregard of that instru-

<sup>27</sup> *Kentucky Gazette*, May 28, 1796; *Proceedings of the American Historical Association*, V, 363. The vote given in the former is not complete.

<sup>28</sup> *Kentucky Gazette*, May 28, 1796. Breckinridge's letter was dated May 24.

<sup>29</sup> *Proceedings of the American Historical Association*, V, 363.

<sup>30</sup> *Kentucky Gazette*, June 11, 1796.

ment. In the legislative and executive troubles a dispute over the meaning of the constitution was the direct cause; while in the case of the judiciary a peaceable revolution was brought about when the Legislature deprived the Court of Appeals by statute of powers conferred on it by the constitution, and the dangerous practice had grown up of depriving judges of their seats by court reorganizations.

Humphrey Marshall characterized the legislative history of the times as follows:

"Whoever attends to the subject, will be struck with the frequent changes in the courts, and in the execution laws; which if it were possible, should be fixed and immutable. The observer of the legislative course under the constitution, can but be equally effected, by the frequent occurrence of acts that violate private rights to real property, as well by their retro-active effects, as by vesting power in one or another, to sell lands belonging to infants, as well as those of adults, without their consent. *Relief*, also, of one kind or another, either to private individuals who should have been left to seek it in a court of law, or equity; or to public functionaries who had violated the laws, and ran to the legislature to cover their ignorance or design from the consequences, by legalizing what was illegally done, makes a figure in the code; besides those acts of direct interference between creditor and debtor, by means of replevy, and otherwise; which taken together as a body of evidence, goes to prove great defects in the political morality of the law-makers, and separately, furnishes precedents for every species of irregular and incorrect legislation. Not that there are no good laws; there are certainly many; for at different times, different moral and political feelings have prevailed: but so predominant has been the disposition to change, but few acts have escaped its ignorance, its love, its rage, or its malice."<sup>81</sup>

<sup>81</sup> Quoted in Butler, *History of Kentucky*, 292.

## CHAPTER XXVIII

### DEMOCRATIC CLUBS AND THE FRENCH SCHEME AGAINST LOUISIANA

When Kentucky entered the Union in 1792, she had thereby solved one of her most trying problems. The center around which she had grouped all of her other complaints was the quest for statehood. Many had for the time professed to believe that when she once became master of her own destinies as an equal state in the American Union, all of her other besetting difficulties would vanish immediately or be easily solved. So on becoming a state, there was a brief period of relief and rejoicing. But she was soon to see that the cause of statehood, which she had so long held up as a rallying cry and which it was so easy to group the people around, was after all not her fundamental problem. The leaders in politics and the toilers in fields soon came to see with compelling force that the holding of an office or the voting for a state official was in fact a less fundamental part of their existence than the receiving of a just reward for their labors in agriculture and manufacturing. The Mississippi was just as tightly held by Spain now as when Kentucky had been a district of Virginia. Her entry into the Union had not increased the price of her tobacco, her corn, and her bacon. Stagnation was intensified, if statehood had produced a change at all. A bitter hatred of Spain could not but continue to develop under such conditions.

Another old complaint, which it was argued statehood would remedy, was the unsettled conditions in Indian relations. The Indians had noted with little anxiety Kentucky's entry into the Union. True it was that Kentuckians were held as being far from contemptible by the tribes throughout the whole Northwest; but statehood had not increased their prowess in the eye of the Indians. The American government had been pursuing a policy of treaty-making that always ended in war; and Kentuckians were inevitably the sufferers from such hostilities. The Federal government was in Kentucky's belief deserving of much blame for the situation. It had never adequately protected the frontier; and the selfishness and narrow prejudice of the East had prevented larger forces from being sent to the West and had begrudged the few troops actually there. But all the condemnation should not rest on the United States alone. Great Britain was still in defiance of the treaty of American independence holding the Northwest military posts, for the purpose, among others, of inciting the Indians against the northern frontiers of Kentucky, and was thus adding warfare to the economic ruin Spain was so successfully carrying out, in the opinion of Kentuckians. Was not the United States powerful enough to defy Great Britain, force her to retreat across the Great Lakes into Canada, and remind Spain that the navigation of the Mississippi to its mouth was the right of the American republic, by nature and by compact? Kentucky believed the reason why such things were not done was to be found nowhere else than in the jealousy of the East toward the rapidly increasing West.

The West was paying taxes to the Federal government on the same basis as was the rest of the nation; but the benefits derived from the expenditure of the national funds were not being felt in Kentucky. More-

over, the tax that was adopted by the national administration as a good revenue producer was the very tax that hit the West hardest. Since the conversion of grain into whisky so concentrated its value that it could be transported profitably regardless of river navigation, the Federal government was now levying a tax upon this scant prosperity by the excise tax on distilled spirits. This, it was argued, was sufficient to show the unequal position Kentucky was being made to assume in the American union by the hostile East.

This was the state of mind prevailing in the West, when in Europe there burst forth the pent-up fury and despair of centuries in the French Revolution, starting a train of events destined to shake the American nation to its center and involve it in a second war with Great Britain twenty years later. Beginning in 1789, in an orderly fashion, it grew more radical with the lapse of time, stirring up on all sides the fears and plots of disquieted monarchs. By 1793, France was in war with five of the most powerful nations in Europe.<sup>1</sup> The sympathy which had been held out to the French by the Americans in 1789, was not to be forgotten by France in 1793. The principles of the American Revolution had played their part in bringing on the French Revolution. Jefferson and Franklin had been great admirers of the French from colonial days and had built up a strong French feeling in America. While the colonies had been struggling for freedom from Great Britain, France had from mingled motives aided the Americans with her fleet and with money. In 1778, treaties of amity and commerce and alliance were concluded. In her great danger France now expected to find a powerful ally in the United States. Citizen Genet was sent as minister to the American government with instructions to enlist its aid in the European struggle.

He arrived in Charleston in 1793, and immediately began preparations for an expedition against the Spaniards in the Floridas and Louisiana. He then proceeded through the interior of the country to Philadelphia, the capital. Everywhere along the way he was received by the people with enthusiasm, born of the gratitude they had ever held to France since her aid had been given in the war for American independence. While Genet was building up this popular support, Washington and his cabinet were wrestling with the problem of the position the United States should occupy in the European war that was threatening to involve the whole world. Before Genet reached Philadelphia, the Washington administration declared that in the struggle between France and the other European nations the American government would remain neutral.

Genet was incensed and disappointed. Here he had met defeat for the most important part of his mission. Despite treaties of alliance with France, the United States had now announced its intentions to treat the French in the same manner as the British. Genet could not understand the motives of the Washington administration which would thus abandon France in her greatest need; neither did he believe in the light of the reception he had received from the people that the Federal government properly represented the will of the people. But, if the United States would not meet its treaty obligations, he believed it would at least repay the money which France had loaned to the struggling colonies. With this money he expected to carry on expeditions from the United States against the Spaniards in the Floridas and in Louisiana and against the British in Canada. On account of the fact that the debt was not yet due, he was doomed to failure in this particular also.

Impatience with the Washington administration and deep sympathy for Genet and France were evident on all sides. Many Americans were as bitterly disappointed at the declaration of neutrality as was Genet. In discussions preceding the determination of the American policy Jefferson

<sup>1</sup> Fish, *American Diplomacy*, 95, 96.

and Madison were inclined to favor the French, although all were agreed that neutrality was the proper position for the United States to assume.<sup>2</sup> Party spirit was fast arising despite Washington's attempts to ignore and crush it by including in his cabinet such opposites as Hamilton and Jefferson. Among other lines of demarkation that were beginning to divide the people, sympathy for France and the democracy she was asserting were becoming prominent characteristics of those who had come to side with Jefferson; while the more conservative followers of Hamilton were accused of sympathizing with England. Villification of Washington speedily arose and became the settled policy of a majority of the American newspapers. As important elements in the same movement, there sprang up, with Philadelphia as a center, Democratic societies, patterned directly after the powerful and violent Jacobin clubs of France, and designed to weld together the rising forces of discontent.

Conditions in the West were ripe for the rapid spread of these societies to that region. During the summer of 1793 John Bradford was instrumental in organizing a Democratic society in Lexington.<sup>3</sup> On August twenty-second, citizens of the town and from the surrounding regions held a preliminary meeting and resolved to found a Democratic society "embracing the laudable objects of the Philadelphia Democratic Society." A committee was appointed to draw up articles of organization. Six days later a meeting was held at which the organization was completed. John Breckinridge was elected chairman, and Thomas Todd and Thomas Bodley, clerks. A circular letter was prepared and distributed throughout the state calling on the people to organize like societies in every county.<sup>4</sup> This society became at once the articulate voice of Lexington. It erected liberty poles on occasions, wore the tricolored cockades, and used all the other trappings and customs that were becoming characteristic of these societies.<sup>5</sup> Before the end of the year (1793) at least two other societies had been organized, one at Paris and one at Georgetown.<sup>6</sup>

As has been indicated the main purpose of these societies was to attack the Washington administration in its foreign policy—as well as domestic. But in Kentucky the immediate purpose was to forge a weapon to be used as circumstances should allow, for securing the navigation of the Mississippi River.<sup>7</sup> Exasperation on this question was fast developing into desperation. If Kentucky products succeeded in slipping by New Madrid, it was sure to be stopped somewhere before reaching New Orleans, and a tariff of 15% *ad valorem* imposed on unloading for purposes of examination and a 6% additional duty exacted for reloading.<sup>8</sup>

The order of business at every meeting of the societies included a discussion of the Mississippi question. This is a characteristic entry in the minutes of the Lexington Democratic Society, "Society went into committee of the whole on the subject of the Navigation of the Mississippi."<sup>9</sup> Discussion within the walls of the club was by no means the uttermost extent given to this all-absorbing question. At intervals the indignation of the club was expressed in an outburst of resolutions, which were directed more often to the people of Kentucky and the West than to Congress

<sup>2</sup> Fish, *American Diplomacy*, 100. The nations which had declared war on France at this time were England, Prussia, Austria, Holland, and Spain.

<sup>3</sup> Innes MSS., Vol. 19, No. 65. Bradford in a letter to Harry Innes, Oct. 30, 1808, said he was the first one to propose the society for Lexington.

<sup>4</sup> *Kentucky Gazette*, Aug. 24, 31, 1793.

<sup>5</sup> Ranck, *History of Lexington*, 181.

<sup>6</sup> Collins, *History of Kentucky*, I, 23, 277. The society at Paris (Bourbon County), was organized Oct. 15, 1793. *Kentucky Gazette*, Nov. 2, 1793.

<sup>7</sup> Innes MSS., Vol. 19, No. 65. So stated by Bradford in his letter to Innes, Oct. 30, 1808.

<sup>8</sup> F. A. Ogg, *The Opening of the Mississippi* (New York, 1904), 449, 450.

<sup>9</sup> Innes MSS., Vol. 19, Nos. 89, 90. The minutes of some of the meetings of the Lexington society are found here.

and the President. By this method foundations were being laid for building up the West into a power whose demands would sometime be heeded by either the national government or by Spain direct.

On December 13, 1793, the Democratic Society of Kentucky (the name used by the Lexington branch) formulated an address on the grievances of the West and particularly on the navigation of the Mississippi, directed it "To the People West of the Alleghanies," and printed it in broadside form for distribution throughout the western country. They declared that the use of the outlet of the Mississippi was a God-given right which must now be secured forever not only for themselves but for their children. Now was the time to act; and if they were to be worthy of their offspring they would delay no longer. The national government had done nothing; and gave no promise of anything better for the future. "Repeated memorials were presented to Congress upon the subject, but they were treated with a neglect bordering on contempt." The people had been patient and long-suffering. When the new federal government succeeded the old Confederation they had hoped that it would secure their rights. On the contrary, "Six years have passed away, and our right is not yet obtained. \* \* \* In the meanwhile, our brethren on the Eastern waters possess every advantage which nature or compact can give them. Nay we do not know that even one firm attempt to obtain it has been made." Furthermore they believed that this neglect to obtain for the West this right was due to the desire of the East to retard Western development and thereby discourage their people from migrating thither.<sup>10</sup> No plan of direct action was suggested, beyond the call for the formation of Democratic societies in every community, whereby the people could be drawn together to act in unison on any future policy that might later be declared.

The tone of this address showed a wounded pride engendered by the failure of the national government to recognize the importance of the West in that it had not secured the navigation of the Mississippi or even deigned to tell the West whether it had actually tried. This address also held out the veiled threat that the West might sometime look to herself for further action regardless of the federal government.

The Lexington Democratic Society was the leading organization of its kind west of the Alleghanies. It made itself the mouthpiece for the whole West. It not only addressed communications to the citizens of the western regions, but it also sent now and then an address or resolutions to Congress, invariably dealing with the navigation of the Mississippi.<sup>11</sup> In line with its desire to organize the West everywhere into Democratic societies, it carried on a correspondence with such clubs from western Pennsylvania to Tennessee. An interesting part of each meeting consisted in reading to the society the correspondence from other clubs.<sup>12</sup> In answer to an invitation from the Washington County, Pennsylvania, Democratic Society to open a correspondence, the Lexington society resolved that it would gladly embrace the opportunity "assuring them of our strong desire & perfect willingness to open a correspondence with them, on the subject of our unredressed grievances & assuring them also, that being all equally fellow-sufferers we shall heartily co-operate with them.  
\* \* \* 18

The Kentucky Democratic Society, as the Lexington society was often

<sup>10</sup> Copies of this address may be found in various places. See *State Papers, Miscellaneous*. I, 929, 930. For one of the broadsides, see *Breckinridge MSS.* (1793). A MS. copy is in the *Innes MSS.*, Vol. 19, No. 84. The address was signed by John Breckinridge, as chairman and Thomas Bodley and Thomas Todd as clerks.

<sup>11</sup> A copy is in *Breckinridge MSS.* (1793).

<sup>12</sup> Minutes in *Innes MSS.*, Vol. 19, Nos. 89, 90.

<sup>13</sup> Minutes *Ibid.*, No. 92.

called, was not proceeding blindly without a definite purpose in arousing the West. In the fall of 1793, it advanced a step beyond mere agitation. With a considerable number of societies now functioning in the West, it was able to enter into concrete action. The method of procedure was set forth in a resolution it adopted and sent to the other societies for ratification. It declared "That it will be proper to make an attempt in a peaceful manner, to go with an American bottom properly registered and cleared into the sea through the channel of the Mississippi; that we may either procure an immediate acknowledgment of our right from the Spaniards; or if they obstruct us in the enjoyment of that right, that we may be able to lay before the Federal Government, such unequivocal proof of their having done so, that they will be compelled to say, whether they will abandon or protect the inhabitants of the western country."<sup>14</sup>

This mode of procedure shows conclusively the understanding the Kentuckians had of the way in which the United States Government was handling the Mississippi River question. They believed the national government was concerning itself very little with this serious western problem, and they harbored the suspicion that it might even doubt that there were really grievances to redress or a problem to solve. The feeling became widespread that the trouble was soon to be brought to a head by sending the test boat. James Seagrove, a United States agent to the Indians, declared to them that if the Spaniards "do not leave the passage of the Mississippi free to us, we shall not be long in obtaining it by force. The inhabitants of Kentucky are resolved that if Congress does not obtain this permission they will take it for themselves. They are to send a boat down to the sea by this river, and if the Spaniards take this boat, or detain it in its passage, they will go to find out who has done so."<sup>15</sup>

The conditions of the times were so confused with cross-purposes and counter-moves, intrigues and international suspicions, that no policy or line of procedure could be pursued uninfluenced by the surging forces. The development of the Western Democratic societies was merely one part of a much more comprehensive movement which had been set into operation coeval with the rise of those clubs, and which bore such a close relationship to them. This was Genet's plan to enlist the discontented West in a project to bear down upon the Spanish possessions, wrest them from the control of Spain, and erect them into an independent state with commercial treaties with France and the United States or annex them to the former.<sup>16</sup> The Mississippi was, of course, to be free throughout its length, and in this Genet expected to easily seduce Kentucky. He could also count on the vigorous sympathy for France and rancorous hatred of Spain. Within a short time after arriving at Philadelphia, Genet had met with so many reverses at the hands of the Washington administration that he had come to conclude that the American people and the national administration were not the same and that the former was the proper authority to treat with.<sup>17</sup> He, therefore, had no hesitancy in dealing with the people directly, secretly as well as openly.

When and where his plan of conquest began is not certainly known. It was to a great extent a growth developing as circumstances suggested and permitted. On landing at Charleston, Genet set one part of it into operation, organizing at this time his aids who were to proceed against the two Floridas and later Louisiana itself.<sup>18</sup> Plans for arousing Kentucky

<sup>14</sup> *Innes MSS.*, Vol. 19, No. 105. Also see Nos. 103, 104.

<sup>15</sup> "Correspondence of Clark and Genet," in *Annual Report of the American Historical Association*, 1896, I, 1055.

<sup>16</sup> *The Complete Annals of Thomas Jefferson* (New York, 1903), 130, 131.

<sup>17</sup> See Fish, *American Diplomacy*, 103.

<sup>18</sup> See E. M. Coulter, "The Foreign Intrigues of Elijah Clarke and the 'Trans-Oconee Republic,'" in *Transactions of the Mississippi Valley Historical Association*, 1920.



and the West against Spain's possessions were not developed until after Genet reached Philadelphia. Here suggestions from Americans awaited him, and, indeed, at times appear to have outrun him. George Rogers Clark anxiously offered his services and John Brown was a ready counselor. About twenty years afterwards, one of the participants declared that the plan for raising forces in Kentucky arose in a meeting held in New Orleans on April 20, 1793.<sup>19</sup>

Indeed, no lesser person than Thomas Jefferson, Secretary of State, was privy to Genet's main purpose. That his course adjudged from the accumulated experience and precedents of the following century and a quarter, was extraordinary cannot be doubted; but regarded in the light of his times and surrounding, it was not out of harmony with good policy and political sagacity. His relations were so close with the French minister that the latter was received in a conference on July 5, 1793, at which the whole plan was laid bare. Genet here unfolded his instructions to Andre Michaux regarding a mission to Kentucky and also read two addresses, one to the people of Louisiana and the other to the Canadians. In both he sought to arouse the people against their European rulers. He boldly told Jefferson that Kentuckians were anxious to enlist their support against the Spaniards, and that two generals there had offered to take New Orleans if they were furnished with £ 3,000. He declared that he refused to advance them the money, but was willing to send it later. When Louisiana should be conquered, it was to be erected into an independent state bound by commercial treaties to the United States and France. Genet made it plain to Jefferson that this information was given to him not as Secretary of State, but as a private individual. In the preceding April Jefferson had issued the celebrated neutrality proclamation, which directly prohibited the things which Genet was now proposing. Jefferson showed his undisguised attitude toward the part of the plan dealing with Kentucky by declaring to Genet "that his enticing officers and soldiers from Kentucky to go against Spain was really putting a halter around their necks; for they would surely be hung if they commenced hostilities against a nation at peace with the United States." He would thus not have the United States used as a base of operations against a nation with which the United States was at peace, although it might not be of the friendliest kind. He was, however, quick to assure Genet how little he was concerned at what might happen to the Spanish possessions in America provided the position of the United States were not compromised. He declared that leaving out the Kentucky part of the plan, he "did not care what insurrections should be excited in Louisiana."<sup>20</sup>

Some two weeks previous to this conference, Genet had asked Jefferson to receive Michaux as a consul on the Western waters. Jefferson sensed the purpose of this at once and demurred. He stated that it was not customary for consuls to be stationed anywhere except on the seaboard, and that if the French were allowed such an officer in the West, other nations would demand the same right and as a result "we should have all our interior filled with foreign agents." Failing in this, Genet then asked Jefferson to give Michaux a letter of introduction to Governor Shelby. As he and Michaux had enjoyed an acquaintanceship for some time, made especially agreeable on account of their common interest in botany, Jefferson complied. In this he adroitly avoided being drawn into

<sup>19</sup> Statement of DePauw in connection with the investigation of Harry Innes in 1808. "Correspondence of Clark and Genet," 1102-1106.

<sup>20</sup> Complete Annals of Thomas Jefferson, 130, 131. This was a step in the development of the law of neutrality far advanced over European practice. Despite the fact that the law of Congress of June 5, 1794, interpreting and enforcing neutrality was yet to come, Jefferson here declared that the halter awaited those enlisting in the United States to fight Spain, even though they should make their rendezvous outside.

Genet's political scheme. He stated in the letter that Michaux was a citizen of the French Republic who had been in the United States for several years and that he was "a man of science and merit, and goes to Kentucky in pursuit of objects of Natural history and botany, to augment the literary acquirements of the two republics." He also noted that "Mr. Genet the minister of France here" had expressed "His esteem for Mr. Michaux and good opinion of him, and his wish that he should be made known to you."<sup>21</sup> This letter, written on June 28th, did not suit Genet. He complained "that in that letter I speak of him only as a person of botanical and natural pursuits, but that he wished the Governor to view him as something more, as a French citizen possessing his confidence."<sup>22</sup> Thereupon Jefferson took this letter back and wrote another one. This letter has not been found; but it would seem certain that in the light of Jefferson's expressed attitude, Michaux could not have been represented as a French agent whose mission was to arouse the Kentuckians to take Louisiana from the Spaniards.

Genet also secured from John Brown letters of introduction for Michaux to George Rogers Clark and to Governor Shelby. Brown referred to him in both instances as a man of science who was going to Kentucky to carry on botanical studies.<sup>23</sup> These letters were undoubtedly much less pleasing to Genet than to Michaux, for the latter was not by nature a political intriguer, but rather a true botanist with an insatiable thirst for more knowledge in his chosen field.<sup>24</sup> He, however, became Genet's political agent for the West, and reached Kentucky in early September (1793). He visited Governor Shelby, Benjamin Logan, George Rogers Clark, and other leaders before the end of the month. In November he was followed to Kentucky by four other French agents, De Pauw, LaChaise, Mathurin, and Gignoux. At different times various other Frenchmen, self-appointed or otherwise, had a hand in the movement. The amount of authority or influence exercised by these agents was not great as they were continually without funds.

<sup>21</sup> "Correspondence of Clark and Genet," 984.

<sup>22</sup> *Complete Annals of Thomas Jefferson*, 130, 131; also in "Correspondence of Clark and Genet," 984, 985.

<sup>23</sup> For copies see "Correspondence of Clark and Genet," 982, 983. Both are dated June 24, 1793.

<sup>24</sup> The journal of Michaux during the period in which he was acting as political agent in Kentucky, gives little attention to politics, but is replete with botanical observations. These proportions were a true reflection of his interests in the two fields. See "Journal of Andre Michaux, 1793-1796," in R. G. Thwaites, *Early Western Travels*, III, 27, 104. For instructions of Michaux, see "Correspondence of the French Ministers," in *Annual Report of the American Historical Association*, II, 1903.

## CHAPTER XXIX

### GEORGE ROGERS CLARK AND THE FRENCH ENTERPRISE

Although Michaux was Genet's chief political agent in the West, George Rogers Clark was in fact the life and head of the movement. Clark had not fared well at the hands of Virginia and of the Nation, as before noted. He had spent his private fortune in his conquest of the Northwest and had never been able to get a satisfactory and adequate settlement. His offer to Spain in 1788 to expatriate himself and set up a colony beyond the Mississippi, was an expression of his sense of neglect by his own country. As this venture came to nothing, in 1791 he reminded Virginia again of the fact that he had used his substance in conquering a country which was soon to be dotted with settlements and again petitioned for an adjustment of his claims.<sup>1</sup> Again he was doomed to disappointment. It was said that in one of his fits of despondency and anger, he broke to pieces the sword Virginia had voted him in 1779.<sup>2</sup>

Perhaps, no man in American history gave greater promise in his early life, of a more brilliant career. Before he was twenty-eight years old, he had won all the fame he enjoys today; and in fact had done everything that was to add to the honorable position he was to hold in American history as one of the country's most intrepid military leaders. His health had been impaired on his Northwestern expedition, and rheumatism was later brought on to add to his gloom and sense of a country's ingratitude. Disappointed in love, he never married. Restless and impatient of restraint, he turned from one scheme to another in the hope of finding relief from a situation that was almost intolerable. This man, great and admirable while his native ability and talents remained unimpaired, spent the last years of his life in pain and sorrow. In addition to his portion of the Clark grant north of the Ohio, Virginia showed her continued regard and respect for him by having made in 1812 a neatly-wrought sword with suitable devices and presented to him. She also settled on him a pension of \$400 annually.<sup>3</sup>

Clark was in the midst of his troubles and disappointments when he hit upon the idea of entering a French scheme for the conquest of Louisiana. In the latter part of 1792 he had been in communication with the French authorities through Thomas Paine, regarding the acceptance of his services in such a project.<sup>4</sup> Before Genet arrived in America, Clark made proposals for an expedition down the Mississippi.

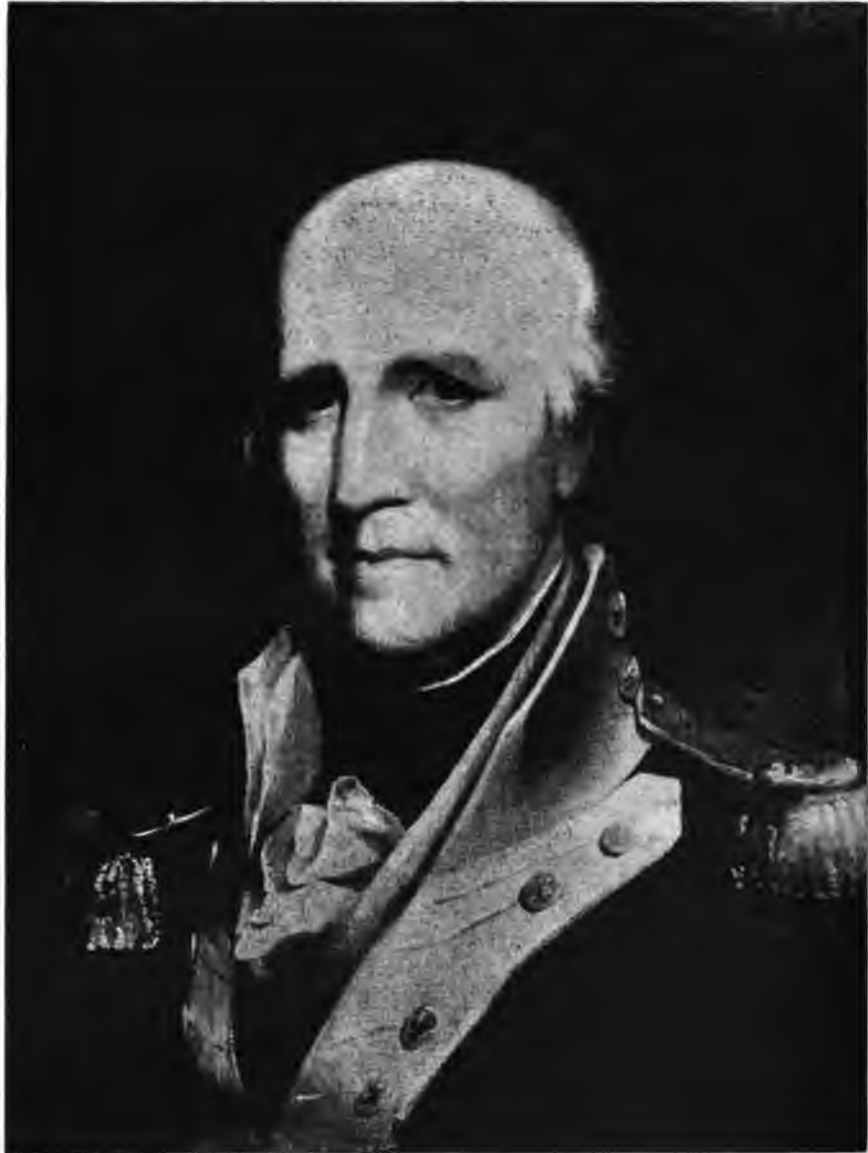
In a letter of February 5, 1793, to the French minister, he gave his main reasons for seeking to join himself to the French. He declared with a strain of bitterness: "My country has proved notoriously ungrateful, for my Services, and so forgetful of those successful and almost unexampled enterprises which gave it the whole of its territory on this side of the great mountains, as in this way in my very prime of life, to have neglected me. And yet, although I feel, I never shall resent." Turning

<sup>1</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 172-174.

<sup>2</sup> Butler, *History of Kentucky*, 537-539.

<sup>3</sup> Butler, *History of Kentucky*, 537-539. For a short sketch of Clark's life, see Collins, *History of Kentucky*, II, 133-140. For an estimate of him see, *Magazine of American History*, Vol. 14, 571, 572.

<sup>4</sup> "Correspondence of Clark and Genet," 967, 968.



**GEN. GEORGE ROGERS CLARK, 1752-1818**  
(Courtesy of The Filson Club)

from the neglect he suffered from the government he pointed out the influence he still had among the people of the West: "Since I relinquished my command over the western country, congress had not one successful campaign in it. The Indian tribes, from New Mexico to the Alleghany mountains are my friends and could be brought to march under my banners—and why? because I was Just and dealt uprightly and manfully with them, while, by frequent defeats, I made them trouble." He now turned to the main point of his letter: "if you and the free nation you represent will but concur in the project—by sanctioning my proceedings, duly commissioning me to that end, supplying me with some *small* resources by Letters of credit or cash, and suffering me to raise my own men in this Country, and to appoint them such officers as, I am sure, will execute the business with promptitude, secrecy and decision. I say secrecy; for until the blow is struck, the design of the expedition, or the expedition itself ought, by no means, to transpire."

He showed a great desire to convince the French. Continuing he developed his plan and described his power in the Western country: "I can raise abundance of men in the western country—men as well American as French who have repeatedly fought, obtained Laurels, and never yet were met with a repulse under my command, men through whose courage, fidelity to their country and confidence in my arrangements, which never yet failed them of success, took the Illinois and Post St. Vincennes from the Britons, saved St. Louis and the rest of Louisiana for the Spaniards, from that nation, humbled the whole Northern and Southern tribes of Indians (those in particular who are now so hostile and triumphant) to the very dust, preserved Kentucky, Cumberland and the whole territory north west of the Ohio to the United States, and protected the western frontiers of Virginia and Pennsylvania from British and Indian depredations. These are not exaggerations. All America will concur with this my unexaggerated testimony in their favor, and these are the men, who, with me, will instantly expatriate ourselves, (as the Law direct), and are ready to become citizens of the French Republic—if my proposals shall have been approved of."

He had no doubt of the number of men he could raise and the ease with which he could subdue the immense Spanish dominions throughout all America. He further developed his plans as follows: "Out of Kentucky, Cumberland, the settlement on Holston, the Wabash and the Illinois I can (by my name alone) raise 1500 brave men, or thereabouts—and the French at St. Louis and throughout the rest of Louisiana, together with the American Spanish Subjects at the Natchez would, I am sure of it, (for they all know me), flock to my Standard. These last would amount to, at least, as many more. With the first 1500 alone I can take the whole of Louisiana for France. I would begin with St. Louis, a rich, large and populous town—and by placing only two or three frigates in the Mississippi's mouth, (to guard against Spanish succours) I would engage to subdue New Orleans, and the rest of Louisiana. If further aided, I would capture Pensacola; and if Santa Fé and the rest of New Mexico were objects—I know their strength and every avenue leading to them, for conquest. \* \* \* For our pay and gratifications in Land, (as we abandon our own here) we shall confide in the Justice and generosity of the great nation we shall serve, after our labours are over. To save congress a rupture with Spain, on our accounts, we must first expatriate ourselves, and become French citizens. This is our intention."<sup>5</sup>

This bold move proposed by Clark was not known to Genet until he reached Philadelphia in May, when he found Clark's letter awaiting

<sup>5</sup> "Correspondence of Clark and Genet," 967-971.

him.<sup>6</sup> He then developed his plan for the West as has been previously described. Clark was put in charge of military affairs and given the pretentious title of "Major General in the Armies of France and Commander in Chief of the French Revolutionary Legion on the Mississippi." His control was complete as far as French permission could go. He was responsible for the whole military organization, appointing his officers and agents. A copy of a commission he granted follows: "To Henry Lindsay; Know you that by the special confidence, reposed in your courage, ability, good conduct and fidelity, and by the power invested in me by the Minister of France, do appoint you Captain in the Second Battalion of the Second Regiment, to serve in an expedition designed against the Spaniards of Louisiana and the Floridas by order of Citizen Genet, Minister Plenipotentiary of the French Republic. All persons whom it may concern are Requested to pay due attention to you as such.

"Given under my hand at Louisville this Eleventh day of January, 1794—and in the second year of the French Republic one and indivisible."<sup>7</sup>

Michaux, who was in Kentucky during September, October, and November, (1793) worked in harmony with Clark. He sounded out numerous men and attempted to turn them toward the enterprise, when he was not too busy botanizing. In early September he visited Benjamin Logan, and learned he was not going to jump at conclusions too early. Logan declared that he would rather wait for a time to see what would be the outcome of the American negotiations with Spain on the question of the Mississippi before committing himself to the French project.<sup>8</sup> But within a few months, his patience gave out and he urgently offered his aid to Clark. He declared on December 31, 1793, "I have taken my leave of appointments in this state of the United States and do presume that I am at liberty to go to any foreign country I please and intend to do so."<sup>9</sup> Michaux found George Nicholas in a receptive mood from the very beginning. On the 9th of November the latter proposed to Michaux that the French fleet seize the mouth of the Mississippi and declare that all Louisiana belonged to France by conquest. He would then have the French proclaim the freedom of navigation to the United States. Should the Spaniards refuse to believe what the French should proclaim and continue stopping boats on the river then the Kentuckians "would have the right to repel Constraint and force by force. Thus the Spanish Government would have no reason to complain of the United States having broken through inasmuch as the country would be reputed in the possession of the French Republic." It should be noted that Nicholas' suggestion had no direct relation to a Kentucky expedition except as one might develop to dislodge freebooting Spaniards from declared French territory. Such niceties in international relations were in keeping with the legalistic mind of Nicholas.<sup>10</sup>

Clark was always impatient at the interminable delay that seemed to him to be following his preparations. He wrote Genet in early October declaring that if he had had an earlier reply, he could have by that time "in all probability Executed my first Project that of getting complete Possession of the Mississippi as the friends of the people boath in that Country and this was prepared and I had every information I wished for but at present the season being far advanced and I find an impossibility of keeping it a secret." Clark was here allowing his enthusiasm to lead

<sup>6</sup> For a discussion as to the time Genet received the letter and as to the exact address see "Correspondence of Clark and Genet," 1099. Letter from T. M. Pickering to N. Webster, Nov. 1, 1797.

<sup>7</sup> *Ibid.*, 1033, 1034.

<sup>8</sup> *Journal of Michaux*, 1793-1796, 39-42.

<sup>9</sup> "Correspondence of Clark and Genet," 1026.

<sup>10</sup> *Journal of Michaux*, 1793-1796, 44, 45.

him into exaggerations. His preparations were far from complete at this time. He also doubtless by making this statement sought to increase Genet's faith in the practicability and ultimate success of the project, as he was continually troubled by the fear that Genet might not promptly support him. He wrote in October, "Continue so to cherish that confidence support me and you will ere long hear of a flame kindled on the Mississippi that will not be easily Extinguished."

The first and immediate concern was to secure an adequate amount of provisions and ammunition, and the necessary boats. Transportation facilities seem to have been the most perplexing of Clark's problems. He wrote Genet in October, 1793, "Boats are the first object (a few Hundred dollars will do to commence that business) without them we can do nothing had we one or two now ready we could Vex the Enemy in less than four weeks." He was continually worried at the delay in securing boats. He appointed a Captain Sullivan "to superintend the building of Boats purchasing provisions and other stores for the use of the French Republick." He wrote Sullivan on October 17, "I can wish you to loose no time in Excicuting the business having the whole compleat as soon as consistant."<sup>11</sup> With all of his urging Clark succeeded in securing very few boats. He paid \$150 for two boats, and was disappointed in another after paying a builder \$100.<sup>12</sup> He was more successful in collecting provisions. He had his agents in the fertile Blue Grass region laying up large stores. Samuel Fulton and Charles De Pauw were principally concerned in this work. The latter was stationed near Danville, while the former had general oversight for the whole state. Fulton, who had fled West Florida on the outbreak of war between France and Spain, and who having heard of Clark's activities when he reached Tennessee, came to Kentucky and joined the movement and became one of Clark's principal aids.<sup>13</sup>

During the month of January, 1794, he traveled over the state extensively in the general interests of the enterprise. In the meantime De Pauw was not working as fast in collecting provisions as Clark desired, so in early February, (1794), he was informed by the latter of the hope that "you would not hav Long to tarry as we should soon move down the River."<sup>14</sup> A little over a month later Clark dispatched Fulton to Central Kentucky to "examine in what State the provisions that De Pauw had purchased for the Republic of France was in and to indeavor to Secure a quantity more."<sup>15</sup> On the 18th of March, (1794), Fulton sent a notice to De Pauw stating that "I will Cal on you tomorrow pray stay at Home that I may See you."<sup>16</sup> He found that he had "not the Quantity we Generally Heard." Their expectations must have been large, as Fulton reported that he had over 15,000 pounds of bacon, twenty barrels of flour, and six hundred pounds of lard. He also found that a certain William Thompson had about four hundred barrels of flour and a thousand pounds of bacon collected for the expeditions.<sup>17</sup> As soon as the river should become passable all of these stores were to be floated down the Kentucky River and to Clark's headquarters at Louisville.

As this enterprise was not to be exclusively confined to Kentucky, Clark had his agents at work in other parts of the West. John Montgomery was responsible for preparations that were going on in the Cumberland region in Tennessee. In January, 1794, he informed Clark that he had

<sup>11</sup> "Correspondence of Clark and Genet," Clark to Sullivan, Oct. 17, 1793, 1014.

<sup>12</sup> From Clark's expense account, *Ibid.*, 1071.

<sup>13</sup> "Correspondence of Clark and Genet," Fulton's account, 1064.

<sup>14</sup> *Ibid.*, 1040. Clark to DePauw, Feb. 10, 1793.

<sup>15</sup> *Ibid.*, 1064. Fulton to Fouchet, n. d.

<sup>16</sup> "Correspondence of Clark and Genet," 1046. Fulton to DePauw, March 18, 1794.

<sup>17</sup> *Ibid.*, 1051. Fulton to Clark, March 21, 1794.

between 19,000 and 20,000 pounds of beef, over 1,100 pounds of Bear meat, seventy or seventy-four pairs of venison hams, some beef tongues, one large flat bottomed boat and four pirogues, 500 bushels of corn and 10,000 pounds of pork.<sup>18</sup> The bear meat and venison were doubtless the result of a hunting expedition carried on by a Mr. McCollam who promised to let Clark have whatever was secured.<sup>19</sup>

Munitions of war were equally as necessary for this expedition as were boats and provisions. The chief concern along this line was powder and cannon. Musket were as plentiful as the people who inhabited the frontier. No mention of them was made in any of the stores of munitions. Montgomery in his report of progress on the Cumberland also informed Clark that he had about thirty pounds of good powder, 117 pounds of lead, five axes, and three pots. Fulton was also given the task of collecting war munitions. He secured a list of persons who subscribed varying amounts of powder. Among these subscribers were some of the most prominent men in the state. John Breckinridge, John Bradford, Levi Todd, Thomas Todd, Robert Patterson, and Andrew Holmes were among the number. These subscriptions were most likely made through the Democratic Society at Lexington as the list contained the name of the chairman and both clerks, and Clark referred to the fact that "The Democratic Society of Kentucky have made some advances in ammunition and Given all the encouragement in their power."<sup>20</sup> In March, 1794, Clark secured 500 pounds of powder.<sup>21</sup> As he contemplated laying siege to St. Louis, New Orleans and other Spanish towns, he stood in great need of cannon. In the early days of the enterprise, he informed Michaux of his desire for two brass field pieces of three pound calibre "and one or two small mortars or Howitzers" with balls and shells. As these could not be provided in the West they would have to be secured in the East and brought across the mountains. Clark believed some confidential person might be got "to bring them out, this winter they may come out very secretly as they might be put into large trunks of goods." He added that if they could be conveniently sent, it would be much better to double the number.<sup>22</sup> Before the expedition was abandoned he came into possession in some manner of a few cannon; for in March, 1794, he reported that he had on hand one ton of cannon balls, and in his claims presented to France he included an item of \$300 for a cannon "taken by the Spaniards and the Savages."<sup>23</sup>

The least of Clark's troubles in preparing for his expedition was the supply of men. The conditions in the West ever since the Revolution were such as to produce a restlessness among its inhabitants in addition to the natural inclinations of frontiersmen in this particular. He gave comparatively little thought to the subject of raising men, declaring to Genet that as to "men they we can get at any time."<sup>24</sup> There was also the point of secrecy involved. As long as there were no armed forces evident, danger of detecting the movement was almost non-existent; for little importance could be attached to building of boats, and the collecting of provisions, activities common to the West at that time. But Clark was so confident of popular support or at most indifference, that he

<sup>18</sup> "Correspondence of Clark and Genet," 1034. Montgomery to Clark, Jan. 12, 1794.

<sup>19</sup> "Correspondence of Clark and Genet," 1018, 1019. Montgomery to Clark, Oct. 26, 1793.

<sup>20</sup> "Correspondence of Clark and Genet," 1073, 1074. From a list prepared for the French government. Clark to Genet, April 28, 1794, in *American Historical Review*, XVIII, 781, 782.

<sup>21</sup> *American State Papers, Foreign Relations*, I, 458.

<sup>22</sup> "Correspondence of Clark and Genet," 1013. Clark to Michaux, Oct. 15, 1793.

<sup>23</sup> "Correspondence of Clark and Genet," 1071, 1072; *American State Papers, Foreign Relations*, I, 458.

<sup>24</sup> *American State Papers, Foreign Relations*, I, 458.



never made a strong point on secrecy. By October, (1793), he seems to have ceased to have any concern whatever about the publicity of his undertaking, as he informed Michaux that "it will be out of our power to keep our design a secret it is genly known already."<sup>25</sup>

So far removed were Clark's ideas of his undertaking being a secret intrigue and so implicit was his belief that it was a popular movement deserving popular support, that he issued a proclamation in the midst of preparations calling for volunteers.<sup>26</sup> This was designed especially to facilitate the immediate raising of a force when the time should come for it. Clark announced the purpose to be "the reduction of the Spanish posts on the Mississippi, for opening the Trade of that river and giving freedom to all its inhabitants." All volunteers should be amply paid either in land "that may be conquered" or in money. All persons entering the service were provided one thousand acres, and if they served one year or for the duration of the war, they should receive two thousand acres. Officers should be recompensed in proportion to their rank. The Proclamation that "All lawful plunder to be equally divided according to the custom of war." Volunteers who should not care for land would be paid one dollar per day.

This proclamation first appeared in the *Centinel of the Northwestern Territory*, a newspaper published at Cincinnati, in its issue for January 25, 1794. The *Kentucky Gazette* copied it, February 8, in an extraordinary issue. The paper for this week contained besides this proclamation, another proclamation issued by Governor St. Clair of the Northwest Territory warning all people under his jurisdiction to refrain from taking sides in the war between France and Spain, and specifically cautioning them against attaching themselves to Le Chaise, De Pauw, or any other French agents.<sup>27</sup> But any fear that St. Clair might have instilled into Kentuckians was destined to be smothered by their indignation at the "desolated and deserted" conditions of their state so extensively set forth throughout almost the whole of the front page and continuing beyond, by "An Old Fashioned Republican" in an article entitled the "Crisis." He launched into a long discussion of the Mississippi River question in which he roughly handled the United States Government for its inactivity. He declared that "From Government we have nothing even to hope. They never did intend nor will they ever invest us with this right." If the "Crisis" was not written directly in answer to St. Clair, and if both St. Clair's proclamation and this article were not published by design in the same issue of the *Kentucky Gazette*, the coincidences are striking and strange. The "Old Fashioned Republican" was undoubtedly taking a thrust at St. Clair, when he declared that "To talk of infractions of laws, is puerile, when the government we live under has suffered an infraction of that only law, which can be a just consideration for obedience to any government." He then gave to Clark by inference the strong assurance that the people would stand by him and follow him in securing just rights withheld: "To those remaining veteran patriots therefore, whose footsteps we followed to the distant desert, and who by their blood and toil, have converted it into a smiling and delightful country, we now look up. Under your guidance we fought, we bled, and acquired the country; and under your guidance we still wish to fight and bleed, while any appendage to its complete enjoyment remains to be procured. \* \* \* Our lives and our fortunes, we are free to hazard in the attempt and so long as we can wield a sword or raise a shilling, they shall, if you lead the way,

<sup>25</sup> "Correspondence of Clark and Genet," 1009. Clark to Michaux, Oct. 3, 1793.

<sup>26</sup> This proclamation was printed in the *Centinel of the Northwestern Territory* (Cincinnati), Jan. 25, 1794, and was copied in the *Kentucky Gazette*, Feb. 8, 1794.

<sup>27</sup> Dated Dec. 7, 1793.

be devoted to the procurement of this right." He declared that if their present conditions were to continue, it was well that they move over into the Spanish dominions and let Spain rule over them, "for slavery among slaves, is not more intolerable, than partiality and oppression among free-men."

Public sentiment was thus being played upon in a manner helpful to Clark; and there is no doubt that there were present the elements in the situation that would have made possible the actual raising of considerable numbers of men. Clark never had the slightest worry as to this part of his preparations. He afterwards declared that "Men we could have got in what numbers we chose" and that large numbers of officers "were nominated and ready to come forward when called for."<sup>28</sup> As anxious as he always was to set out, he never was able to put his whole expedition into motion, for reasons that shall appear later. In October, 1793, he claimed by that time he could have seized control of the Mississippi River, had certain instructions not been lacking; in January following he planned to move by the 20th of the next month; and in March he was still holding out expectations of moving soon.

The only actual movement of troops took place in this last named month and was composed of a detachment from the Cumberland region, who floated down the Cumberland River to join the main expedition, destined never to start. From the beginning of the enterprise, considerable enthusiasm had been shown in this part of Tennessee. John Montgomery informed Clark in October, 1793, that he could easily raise several hundred men.<sup>29</sup> Governor Blount, on receiving information of what was going on, gave the solemn warning that "Should these inconsiderate Persons actually carry their scheme so far into execution as to make an attempt to conquer West Florida, which is certainly all they can do, they will unquestionably involve the United States, in a general War, and lay themselves liable to heavy Pains and penalties, both pecuniary and corporal, in case they ever return to their injured Country."<sup>30</sup> Regardless of the attitude of Blount this party, reported variously from twenty-one to two hundred,<sup>31</sup> passed down the Cumberland to its mouth in the hopes of joining Clark. They constructed a fort here and with nothing else to do, soon began to interfere with the boats passing up and down the river. One account stated that "they determined to stop, detain, and plunder all boats that should be found passing the river" as they were disappointed at Clark's delay and became exasperated at not receiving their pay. Their action was most likely due to a lack of restraint and the ease with which such river crafts might be taken. Clark claimed that he paid three troops \$1,346 for two months' services.<sup>32</sup>

It was reported in the East by a person who claimed to be an eyewitness that when Spain heard of this force of men, she dispatched a party of Chickasaw Indians against it, who fell upon it, killed three, wounded four, and dispersed the remainder.<sup>33</sup> The fact was that the

<sup>28</sup> "Correspondence of Clark and Genet," 1095. Clark to Committee of Public Safety, Nov. 2, 1795.

<sup>29</sup> "Correspondence of Clark and Genet," 1018, 1019. Montgomery to Clark, Oct. 26, 1793.

<sup>30</sup> "Correspondence of Clark and Genet," 1037, Blount to Robertson, Jan. 19, 1794.

<sup>31</sup> A person who declared he slipped by the mouth of the Cumberland in the night time, reported there were twenty-one; the Spaniards heard there were about 200; and Clark in his statement of expenses to the French government has an item of \$1,346 paid to a captain, a lieutenant and 100 men at the mouth of the Cumberland. See "Correspondence of Clark and Genet," 1039, 1062, 1071, 1072.

<sup>32</sup> "Correspondence of Clark and Genet," 1071, 1072.

<sup>33</sup> "Correspondence of Clark and Genet," 1062. *Pennsylvania Gazette*, June 4, 1794. There must have been an element of truth in this statement; as Clark marked down in his claims against France a cannon "taken by the Spaniards and

adhesion of the party soon began to spend itself in idleness, and the remnant was scattered by a detachment of General Wayne's army, which then fortified Fort Massac further down the river to prevent further trouble.<sup>84</sup>

The enterprise was definitely given up by Clark on April 20, 1794, when he dispatched Fulton throughout the state "To countermand all orders that had before Been Issued."<sup>85</sup> Fouchet, who had displaced Genet as the French minister had issued his orders to stop the enterprise on the 6th of March. Regardless of other causes that might have proved sufficient, the main reason for the failure to get started during the period of preparation extending over almost a year's time, was the lack of money. And the reason why the French minister and his agents did not supply Clark was due to the fact that they, themselves, did not have it. Genet had planned to carry on his enterprises against the enemies of France in America through funds he expected to collect from the United States as payments on her French debt. The refusal of the American government to make payment at that time was in fact the ultimate cause for the disruption of Genet's schemes. Clark was continually calling for funds and urging their absolute necessity for the success of the undertaking. In October, 1793, he wrote Michaux "Money is an object of the greatest Importance it will almost insure our success no doubt but Mr. Genet will be anctious to Honour your Draughts on him."<sup>86</sup> James Brown, Secretary of State for Kentucky, in February, 1794, declared to Governor Shelby that he was fully convinced "that nothing less than a considerable supply of money will enable the promoters" of the enterprise "to effectuate their intentions."<sup>87</sup> Michaux made anxious attempts to raise funds in Kentucky. He informed Clark in the early stages of the movement that he had been sounding the merchants in Lexington "and they promise to me as much as they could give in the times."<sup>88</sup> One of the reasons for Michaux returning to Philadelphia, after spending only about three months in Kentucky, was to try to raise money in the East. In December, (1793), he sent Clark a bill of exchange on a resident of Lexington for \$400.<sup>89</sup>

But very little money ever went to the leaders of the movement in Kentucky. Their interest in the undertaking was so great and their faith in the French government so strong that they did not wait for funds, but used up their own private fortunes in the expectation of being later repaid.

Clark, as the leading spirit, had not stood back in spending his own money almost to the limit of his substance. He immediately on the abandonment of the expedition, after Fouchet had so ordered, sought to make collections. On April 28, 1794, he wrote Genet, that he wished to be recompensed for the money that had been used, for "though it is not Considerable it is Sufficient to Ruin me, and hurt many others." He also stated that the members of Democratic Society of Kentucky, who had

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the Savages." Doubtless the Chickasaws fell upon some scattered detachments of this abortive expedition, captured the cannon and perhaps performed the other exploits mentioned. As there is no trace of any conflict that detachments of the Clark forces could have had with the Spaniards and Indians, the mention of the loss of a cannon must have had reference to this instance.

<sup>84</sup> "Correspondence of Clark and Genet," 1080. Gayoso to Alcudia, Sept. 19, 1794; Roosevelt, *Winning of the West*, IV, 184.

<sup>85</sup> "Correspondence of Clark and Genet," 1064.

<sup>86</sup> "Correspondence of Clark and Genet," 1013.

<sup>87</sup> *Ibid.*, Brown to Shelby, Feb. 16, 1794.

<sup>88</sup> "Correspondence of Clark and Genet," 1010, 1012. Michaux to Clark, Oct. 7, 10, 1793.

<sup>89</sup> *Ibid.*, 1025. Michaux to Clark, Dec. 27, 1793. Clark's claims were given at one time as \$4,805.86 2/3 and at another as \$4,319.53 1/3. For itemized accounts, see "Correspondence of Clark and Genet," 1071, 1072.

advanced ammunition, as well as the others who had used their own money were "impatiently Expecting Mr. Michaux with Supplies of money."<sup>40</sup>

Clark felt the need of money so keenly that he did not forget to petition Virginia in the very midst of this undertaking, after he had become a major-general in the French army and presumably a French Citizen.<sup>41</sup> On November 11, 1793, he asked for full pay for five years, or half pay for life.<sup>42</sup>

Clark's name at the head of the enterprise had caused many not only to be ready to join it at the proper time, but had led them to advance their own money in payment for supplies. John Montgomery, who collected large amounts of provisions and ammunition in the District of Niro (Cumberland regions) wrote Clark in January, 1794, that these supplies had "been purchased on the Credit and faith of you and the French [na]tion with my exertions. I am ruined if neglected."<sup>43</sup> Clark not only had the trouble of trying to make his own collections, but was also importuned by others to aid them.<sup>44</sup> Samuel Fulton became the chief claim agent for Clark and incidentally of the others. He first went to Philadelphia where he saw Fouchet. He was advised to lump all the claims together and present them at the same time.<sup>45</sup> Soon finding out that he could do little in Philadelphia toward collecting them, he set sail for Paris to present them to the National Convention. He succeeded in getting them allowed in principle but due to the fact that they were not certified by the French minister they were not paid.<sup>46</sup>

Clark did not become exasperated at the delay in the settlement of his claims. He was not convinced for a year or two after the expedition had been abandoned that it might not be renewed. And he in fact urged another attempt on the French government. That there was much hope of a renewal in Clark's mind may well be doubted; rather must this continued interest manifested by Clark be laid to his sense of tact and judgment in remaining in the good graces of the French until he could make collections. In November, 1795, Clark wrote the Committee of Safety that the people still sympathized with France and that if they should attempt another expedition "no opposition that would be made in this quarter could stop their Career were they again to be put in Motion." He declared that since the Mississippi was the outlet for the western country the people were still upset over the question and that "They despair of ever getting it opened through the mediation of the present American Ministry." He was quick to add that "This is not the only reason for their desire to assist France but a powerful one that of gratitude toward you and the Idea they possess of the rights of man."<sup>47</sup>

Fulton also professed to be as much interested in a renewal of the enterprise as he had ever been for the original venture. He informed Clark of his belief that after he should see the National Convention it would most likely be renewed. In expectation of this, he said, he had refused an appointment in the United States army offered him by General

<sup>40</sup> Clark to Genet, April 28, 1794, in *American Historical Review*, XVIII, 781, 782.

<sup>41</sup> See Clark's letter to the French minister Feb. 5, 1793, in "Correspondence of Clark and Genet," 970.

<sup>42</sup> Robertson, *Petitions of the Early Inhabitants of Kentucky*, 172, 174.

<sup>43</sup> "Correspondence of Clark and Genet," 1034. Montgomery to Clark, Jan. 12, 1794.

<sup>44</sup> See "Correspondence of Clark and Genet," 1085, 1096, 1097.

<sup>45</sup> *Ibid.*, 1067, 1069, *passim*. Fulton began his efforts in the summer of 1794.

<sup>46</sup> The presumption is that these claims were never paid, as the whirl of governmental changes and confusion in France precluded such a settlement. See "Correspondence of Clark and Genet," 1088, 1089, 935.

<sup>47</sup> "Correspondence of Clark and Genet," 1096. Letter dated Nov. 2, 1795.

Knox.<sup>48</sup> About a year later he wrote Clark from Paris that he was up to that time unable to determine whether the French would begin anew the undertaking; but that in case they did he stood ready to set out for America to give his support to it.<sup>49</sup> But events moved fast in the United States; in a short time conditions were so changed that a continuance of such French enterprises was out of the question.

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<sup>48</sup> *Ibid.*, 1068. Fulton to Clark, July 26, 1794.

<sup>49</sup> "Correspondence of Clark and Genet," 1086, 1087. Fulton to Clark, Feb. 13, March 2, 1795.

## CHAPTER XXX

### GOVERNOR SHELBY AND THE FRENCH ENTERPRISE

The official attitude which Kentucky might assume toward his enterprise was of prime importance to Genet. However, he had no fears, with his belief in the almost universal popular clamor in favor of France. He had so little apprehension apart from Washington and his immediate supporters that he had confided the main outlines of his plans to Jefferson, the Secretary of State. And no less a personage than George Rogers Clark, had on his own initiative urged the scheme and offered his services. He believed there were unmistakable signs of almost universal support from the people, and if not active assistance, at least passive acquiescence from the governmental officials. He had, therefore, sent Michaux West armed with ample letters of introduction to Governor Shelby. With no natural bent toward political intrigue, Michaux no doubt said little to Shelby concerning Genet's scheme.

The ever watchful and intriguing Spaniards had received information of the French plans, even before Genet had dispatched a single emissary to Kentucky. The Spanish minister made representations to Jefferson that the French were bent on inciting the Kentuckians against the Spanish power in Louisiana, and demanded that the United States put a stop to the proceedings.<sup>1</sup> Jefferson therefore on August 29, 1793, wrote Governor Shelby of the Spanish accusations and reminded him of the impropriety and danger of such proceedings against a friendly power, and especially against Spain under present relations with that country, and instructed him "to take those legal measures which shall be necessary to prevent any such enterprise."<sup>2</sup> This letter no doubt gave Shelby his first idea as to the actual importance of the French scheme.<sup>3</sup> On October 5, he replied to Jefferson that he would be on the watch for such expedition fitting out in the state and prevent it. He added that he was "well persuaded at present none such is in contemplation in this State. The citizens of Kentucky possess too just a sense of the obligation they owe the General Government, to embark in any enterprise that would be so injurious to the United States."<sup>4</sup>

But at this very time, Genet's chief political agent was in Kentucky and four other principal aids were there or were shortly to arrive. In fact two days before Shelby answered Jefferson, Clark's enthusiasm for the enterprise led him to say that had he received a quicker answer from Genet, he could by that time have been in "Complete Possession of the Mississippi." There must, therefore, have been certain evidences of the expedition fitting in Kentucky reported to Jefferson, apart from the panicky Spanish minister's charge that four Frenchmen had recently gone there to aid the enterprise. Jefferson was so far convinced and alarmed that he addressed Governor Shelby again on November 6 (1793), and

<sup>1</sup> *American State Papers, Foreign Relations*, I, 455. This was prior to Aug. 29, 1793.

<sup>2</sup> *Ibid.*, 455.

<sup>3</sup> Between the time when Jefferson wrote this letter and the date of Shelby's reply, Michaux had paid his first visit to the latter. (Sept. 13.)

<sup>4</sup> *American State Papers, Foreign Relations*, I, 455.

asked him to use every legal means to frustrate the French designs. He threw out the suggestion, that when such possible legal means "failed or are inadequate, a suppression by the militia of the State has been ordered and practiced in the other states." He expressed his concern "that the citizens of Kentucky will not be decoyed into any participation into these illegal enterprises against the peace of this country by any effect they may expect from them on the navigation of the Mississippi. Their good sense will tell them, that that is not to be effected by half measures of this kind, and that their surest dependence is on those regular measures which are pursuing, and will be pursued, by the General Government, and which flow from the united authority of all the States."<sup>5</sup> The solicitude of the national government that this enterprise be seized in the bud was evident in a letter from the Secretary of War three days later. General Knox declared to Shelby that he had been instructed by President Washington to state to him that if peaceful means should fail "to request that your excellency will use effectual military force to prevent the execution of the plan of the said Frenchmen, or any other persons who may support or abet their design." To which he added the further persuasion that, "for the lawful expenses of which the United States will be responsible."<sup>6</sup>

Shortly after the receipt of this letter, Shelby was addressed in separate communications by two of the four French agents that Jefferson had warned him against, La Chaise and De Pauw, the former wrote: "Dispatched by the ambassador of the French republic, to co-operate with Citizen Michaux, in the object of his mission as agent of the republic (of which I presume you have already been informed), I now take the liberty of expressing my regret that it is out of my power to wait upon you to deliver the letters which I was entrusted with by the minister; and to assure you to the lively affection which I feel for the inhabitants of that country, whose interests are so dear to you. \* \* \* Impressed with a conviction that you feel yourself deeply interested in the success of our arms, I transmit you an account of our late brilliant achievements. I also add a copy of our excellent constitution, which has been generally accepted, and which has reconciled all parties."<sup>7</sup>

La Chaise's letter gave little information beyond the fact that he could not at that time deliver certain letters, that he was a French Agent, and that he was a well-wisher of Kentucky. His associate, De Pauw, who has already been noted, was in Central Kentucky at Clark's orders collecting provisions, was more open and exact in communicating his designs to Governor Shelby. His letter bore the same date, November 25, 1793, as La Chaise's. It follows: "It may appear quite a strange to write to you on a subject in which, although it is of some consequence, with confidence from the French ambassador I have been dispatched with more Frenchmen to join the expedition of the Mississippi, as I am to procure the provision I am happy to communicate to you, whatever you shall think worthy of my notice, as I hope I have in no way *disoblige* you; if I have, I will most willingly ask your pardon. For nobody can be more than I am, willing for your prosperity and happiness. As some strange reports *has* reached my ears that your *excellence* has positive orders to arrest all citizens inclining to our assistance, and as my remembrance know by your conduct, in justice you will satisfy in this uncommon request. Please let me know as I shall not make my supply till your *excellence* please to honor me with a small answer." He added as a

<sup>5</sup> *American State Papers, Foreign Relations*, I, 455.

<sup>6</sup> *American State Papers, Foreign Relations*, I, 458. The letters from Jefferson and Knox were sent together to Shelby.

<sup>7</sup> Marshall, *History of Kentucky*, III, 99.

postscript, "Please to participate some of these hand bills to that noble society of democrats. I also enclose a paper from Pittsburg."<sup>8</sup>

This was a bold and undisguised attempt to enlist the power of the state government in the enterprise. Willing to take the governor into his confidence and promising to delay his collection of provisions until he should receive a reply, he did not let Shelby's answer interfere with his duties as a French agent. Three days later in his straightforward reply, without exhibiting resentment or indignation, Governor Shelby said, "I will just state to you what I have in charge from the Secretary of State at Philadelphia on that subject (the expedition down the Mississippi)." He then gave the substance of Jefferson's letter to him of November 6, to which he added "to this charge I must pay that attention which my present situation obliges me.

I am Sir with respect,

Your Most Obt. Servt

Isaac Shelby."<sup>9</sup>

As heretofore set forth, there was no expression of apprehension from Clark and the Frenchmen at any governmental efforts to stop them. Their chief concern was obtaining needed supplies. Preparations, therefore, went on apparently, with no effort at concealment. It was known in the East that extraordinary things were happening in Kentucky and that Clark was at the head of affairs. John Brown, who was by no means unsympathetic, wrote Harry Innes from Philadelphia on December 31, 1793, that these things "have excited some attention & perhaps, some apprehension lest the impatience of the Western Brethren may precipitate them into some measure which may involve the U. states in an unequal contest."<sup>10</sup> On December 7, 1793, Governor St. Clair, chiefly on the information received from a copy of Jefferson's letter to Shelby of November 6th, had issued his proclamation previously noted, calling on the people within his jurisdiction northwest of the Ohio to refrain from aiding the French enterprise. Two days later he informed General Wayne of the movement being fostered in Kentucky and stated that he had previously written Governor Shelby about it and cautioned him to be on his guard.<sup>11</sup>

Much agitation was going on around the fringes of the area of chief disturbance, but silence seemed to predominate within. Early in January, 1794, General Wayne, seeking to bring about action of some sort, addressed a letter to Governor Shelby, in which he offered him the use of a detachment of Federal troops stationed near Lexington, enclosed his order to the commander, to that effect, and promised to send more if they should be desired.<sup>12</sup> There was certainly much more anxiety and activity in the Northwest Territory concerning the French enterprise than in Kentucky where it was in part being carried on. Governor Shelby saw a proclamation issue from a territorial governor in the north, who should have had less concern in any project forming in Kentucky than he, himself; also, he had received a letter from the same source concerning the necessity of dealing with the same project. In addition he had received letters more or less mildly admonishing him on the same subject, from the Secretary of State, the Secretary of War, and the Commander of the United States Army in the West.

It may not be an unwarranted assumption to make that Governor

<sup>8</sup> Collins, *History of Kentucky*, I, 278, 279.

<sup>9</sup> "Correspondence of Clark and Genet," 1023. Also in Marshall, *History of Kentucky*, II, 101.

<sup>10</sup> Innes MSS., Vol. 19, Nos. 16, 16½.

<sup>11</sup> Marshall, *History of Kentucky*, II, 102; Collins, *History of Kentucky*, II, 112, 113; *The St. Clair Papers*, II, 320, 321.

<sup>12</sup> *American State Papers, Foreign Relations*, I, 458. Letter dated Jan. 6, 1794.



Shelby's patience was being somewhat tried by these continuous promptings on his duty in a matter in his own state, if existent at all, and about which he was best situated to know the facts, and he may quite naturally have resented officious federal interference with state action. At any rate he assumed an attitude in a letter addressed to Secretary of State, January 13, (1794), that had not been characteristic of him in his former correspondence. He informed Randolph (who had succeeded Jefferson as Secretary of State) that reports had come to him to the effect that Clark had received a commission in the French army and authorization to raise volunteers. But, "No steps having been taken by him (as far as has come to my knowledge) to carry this plan into execution, I did not conceive it was either proper or necessary for me to do anything in the business." True it was that two Frenchmen (he is here referring to the two, La Chaise and De Pauw, who had communications with him) came into the state with the expectation of raising money for the purpose of fitting out an expedition to go down the river, but there is no evidence that any money was so applied. As to where the danger lay and how it was to be met, he would like for the president "to be full and explicit as to the part which he wishes and expects me to act." He continued:

"I have great doubts, even if they do try to carry their plan into execution, (provided they manage their business with prudence) whether there is any legal authority to restrain or punish them, at least before they have actually accomplished it: for, if it is lawful for any one citizen of this state to leave it, it is equally so for any number of these to do it. It is also lawful for them to carry with them any quantity of provisions, arms, and ammunition; and, if the act is lawful in itself, there is nothing but the particular intention with which it is done that can possibly make it unlawful; but I know of no law that inflicts a punishment on intention, only, or any criterion by which to decide what would be sufficient evidence of that intention, if it was a proper subject of legal censure.

"I shall, upon all occasions, be averse to the exercise of any power which I do not consider myself as being clearly and explicitly invested with, much less would I assume a power to exercise it against men who I consider as friends and brethren, in favor of a man whom I view as an enemy and a tyrant. I shall also feel but little inclination to take an active part in punishing or restraining any of my fellow-citizens for a supposed intention only to gratify or remove the fears of the minister of a prince, who openly withholds from us an invaluable right, and who secretly instigates against us a most savage and cruel enemy."

After giving vent to these vigorous feelings and sympathies he closes this extraordinary letter by taking better counsel with himself, as governor: "But whatever may be my private opinion as a man, as a friend to liberty, an American citizen, and an inhabitant of the Western waters, I shall, at all times, hold it as my duty to perform whatever may be constitutionally required of me, as Governor of Kentucky, by the President of the United States."<sup>18</sup>

Judging by Randolph's reply of March 29, 1794, hereafter noted, this letter seems to have produced a painful surprise in the councils of the Federal Government. Shelby rejected completely the suggestion made by Jefferson in his letter of November 6, (1793), regarding the alleged practice that prevailed in other states in the use of the militia on such occasions. Again would Kentucky be her own judge of what to do rather than follow in the reputed footsteps of others of which there was no very obvious trace. Especially was it important to determine what the law was when it was broken, and how it should be upheld. The legal mind of John Breckinridge, whom Shelby appointed Attorney General

<sup>18</sup> *American State Papers, Foreign Relations, I, 455, 456.*

in December, 1793, is evident in Shelby's reasoning.<sup>14</sup> And such advice was not faulty or unwarranted in the light of the stage of development of neutrality laws and usages at that time.<sup>15</sup>

Governor Shelby, about a month later, declined General Wayne's proffer of Federal Troops, informing him, "That there is not the smallest possibility that such an enterprise will be attempted," and that even if such an attempt was made the state militia would be "able and willing" to stop every violation of the laws of the United States.<sup>16</sup>

The Federal Government, believing there was a dangerous combination at work in Kentucky and that the governor of the state was unaware of its gravity, decided to take the matter into its own hands. The Secretary of War ordered General Wayne to garrison Fort Massac, which had been recognized previously as a strategic position, in order to cut off any expedition attempting to start down the Ohio. Word of the detachment from the Cumberland region South of Kentucky having reached the Federal officials, the Secretary of War's instructions to Wayne were grave and explicit. He was charged to stop the expedition at all hazards. First, he should try to persuade its leaders of the dangers of their rash acts and induce them to go back; but failing in this he was specifically ordered to use every military means at his command.<sup>17</sup>

Conditions were regarded as sufficiently serious by Washington and his cabinet to call for the issuing, on March 24, 1794, of a proclamation denouncing the mad attempts of the Kentuckians. He declared that, "Whereas I have received information that certain persons in violation of the laws, have presumed, under color of a foreign authority, to enlist citizens of the United States and others within the State of Kentucky, and have there assembled an armed force for the purpose of invading and plundering the territory of a nation at peace with the said United States. \* \* \* I have therefore thought proper to issue this proclamation, hereby solemnly warning every person not authorized by the laws, against enlisting any citizen or citizens of the United States, or bringing in Troops or assembling any persons within the United States for the purpose aforesaid, or proceeding in any manner to the execution thereof, as they will answer the same at their peril." <sup>18</sup>

From a comparison of this document with Clark's call for volunteers, the conclusion is inevitable that the former was largely thought tardily provoked by the latter. There certainly was no other evidence, apart from the detachment from the Cumberland regions of Tennessee and Clark's proposals, that would warrant a proclamation from the Federal Government. The attitude that Shelby had taken undoubtedly, also had its bearing. This tardy interference by the President did not set well with some of the Kentuckians, whose patience was being sorely tried. "A Man of Peace" wrote to the *Kentucky Gazette*, with a strain of clear and biting satire: "Mr. Bradford, Can you inform me who could have told the President of the United States, that some of the citizens of the state were assembling for the purpose of *plundering* the territories of a *nation at peace* with the United States? I am apprehensive I don't rightly understand this matter. What nation is meant? I know of no nation

<sup>14</sup> Breckinridge was a Democrat strongly sympathetic to the French. He had subscribed 6 toward equipping Clark's expedition. For Breckinridge's activities in advising the governor, see in *Breckinridge MSS.* (1794), Shelby to Breckinridge, June 10, 1794, *Passim*. And the *Outline History of Kentucky*, by John A. McClung, in Collins, *History of Kentucky* (1847), p. 49.

<sup>15</sup> The American neutrality law was not passed until June 5, 1794.

<sup>16</sup> Butler, *History of Kentucky* (2d Edition), 524. Shelby to Wayne, Feb. 10, 1794.

<sup>17</sup> *American State Papers, Foreign Relations*, I, 458, 459.

<sup>18</sup> *Kentucky Gazette*, May 3, 1794; Richardson, *Messages and Papers of the Presidents*, I, 157.

that is *peaceable* to us except the French; and I am sure instead of plundering them, there is not a man in Kentucky who would not divide with them the last loaf."<sup>19</sup>

Five days after the Federal Government had served notice on the Kentuckians in the proclamation, the Secretary of State, Edmund Randolph, turned his attention to Governor Shelby, in a communication in answer to the January 13th letter of the latter. Randolph, showing a lack of patience at Shelby's course, tacitly blamed him for his seeming inactivity. He suggested that if Kentucky's laws were not greatly different from the laws of other states, the governor could use them to put a stop to the French scheme. With a touch of sarcasm he declared: "I cannot, therefore, doubt that, when your excellency shall revise this subject, you will come to this conclusion, that the resentments which you profess as a private man, a friend to liberty, an American citizen, and an inhabitant of the Western waters, ought not to interfere with your duty as governor of Kentucky; and that, on the other hand, the contemplation of those several characters, under which you have considered yourself, ought to produce a compliance with those measures which the President of the United States has consigned to your discretion and execution." He recounted some of the efforts that the United States was putting forth in her negotiations with Spain on the opening of the Mississippi. He closed with an admonition: "Let this Communication then be received, Sir, as a warning against the dangers, to which these unauthorized schemes of war may expose the United States and particularly the State of Kentucky."<sup>20</sup>

The expedition against Louisiana had been definitely and publicly given up by Fouchet on March 6th, shortly after he had arrived and been received by Washington.<sup>21</sup> The proclamation did not issue until the 24th and Secretary of State Randolph did not answer Shelby's letter of January 13th, until the 29th. The real dangers from the French scheme, if they ever had been great, had largely passed away before the Federal Government took its energetic steps. The reason that it did act at so late a time was due to the fact that the situation had been slowly developing to the point of Federal action through the conservatism of Washington, the caution of Shelby and the reported activity of Clark; and now that the government had come to the conclusion that its position should be stated publicly, it refused to be swerved from its purpose by Fouchet's proclamation. And in this connection it must also be noted that the Federal Government, conscious of the unsettled opinion in the West, was announcing a policy on such attempts of the future, as much as providing a deterrent to any present scheme.

Abandoned by the French minister and denounced by the United States, the leaders of the enterprise soon ceased further activities. On April 20, Clark disbanded his organization.<sup>22</sup>

A number of considerations present themselves regarding this enterprise of the French. The question of how substantial the preparations were and how formidable the scheme ever became has been partly answered in the account of Clark's efforts. It is certain that the project assumed large proportions to people outside of Kentucky and in direct ratio to their distance away. There was never a great deal of excitement

<sup>19</sup> *Kentucky Gazette*, May 17, 1794.

<sup>20</sup> *American State Papers, Foreign Relations*, I, 456, 457. *Breckinridge MSS.* (1793).

<sup>21</sup> Genet's recall had been demanded on Aug. 23, 1793. His successor was received by Washington on Feb. 22, 1794.

<sup>22</sup> "Correspondence of Clark and Genet," 1064. William Clark, a brother of George Rogers, wrote on May 25, 1794, "The expedition that was going against Louisiana, I believe has given out." *Ibid.*, 1061.

in the State. To the great majority of those not actively interested in it, its success would not have been displeasing. In their estimation its purpose was more to their own benefit than to that of France. But its chances of success were by no means reassuring to most Kentuckians. Clark's standing was no longer that of the hero of Kentucky. As Wilkinson had previously said and honestly hoped "the sun of General Clark's military glory was set, never more to rise." Clark's high estimation of his own influence, which he gave Genet, was sadly exaggerated. As Humphrey Marshall wrote in 1812, "Candour, however, extorts a confession, which is made with regret, that General Clark at this time, 'was not the man he had been.' A high sense of injustice, and a mind corroded by chagrin, had been left with General Clark by the Government, whose territory he had enlarged, and whose reputation he had raised to renown; which in the ennui and mortification, incident to a state of inaction, had sought extinguishment, or oblivion, in the free use of spirits."<sup>23</sup> Robert Breckinridge in January, 1794, declared that when he considered "the unhappy situation of the leader, and some Frenchmen about him, every Idea of carrying the scheme into execution droops." He summed up the feelings of many other Kentuckians when he added "I sincerely wish the French Republic success, but if that nation have any hopes, or our General Government any fears from this enterprise, both will be disappointed, in my opinion."<sup>24</sup>

Perhaps two hundred men, all told, were under arms at different times. However, the fact as to this number should not be held conclusive as to the importance of the expedition. There was always to be counted on the potential strength, the numerous ones whom Clark spoke of as only awaiting the call to march. Whatever number that might have turned out to be, it is certain that there would have been groups here and there who would have been willing to march with Clark if the expedition had started. However, that they would have turned out in the numbers spoken of by Clark is not at all likely. Such statements must be laid to his enthusiasm and diplomacy in handling Genet. The great majority of people in Kentucky, as has been intimated, would have gladly seen the Mississippi opened by Clark and the French in the methods they were pursuing; but the elements of conservatism in the West had by this time become too strong and varied to permit of a popular uprising in favor of such a scheme as the French were trying to put through. Contemporary opinion, supported by later evidence, considered, the whole affair was greatly exaggerated in the East and other regions outside of Kentucky. It assumed greater proportions in the open secrecy that surrounded it than in point of actual fact. Proof is not lacking that it possessed many of the elements of a gigantic imposture. At any rate it proved a fiasco.

The part that Isaac Shelby, as governor of the commonwealth, played in the movement and his reason therefore assume considerable importance.<sup>25</sup> Thoughts of anything approaching treason to his country were as foreign to Shelby's nature as to Washington, Jefferson, Knox, or any other representative American Statesman of the time. Due weight must be given to Shelby's expressed beliefs that the project was doomed to failure and therefore needed no further attention than what

<sup>23</sup> Marshall, *History of Kentucky* (1812 Edition), 291-292.

<sup>24</sup> "Correspondence of Clark and Genet," 1033. Robert Breckinridge to Isaac Shelby, Jan. 10, 1794.

<sup>25</sup> For a discussion favorable and unfavorable to Shelby, see respectively *A Review*, by Samuel M. Wilson of "Isaac Shelby and the Genet Mission," by Dr. Archibald Henderson (Lexington, Ky., 1920), pamphlet, 52 pages, and Archibald Henderson, "Isaac Shelby and the Genet Mission," in *Mississippi Valley Historical Review*, March, 1920, Vol. VI, No. 4, 451-469.

he was giving it. There was at no time danger of it succeeding. Shelby's belief that nothing was happening in the state which could be punished either by state or Federal laws was not far removed from the fact. But had he been particularly anxious to act, it is equally true that he could have found something to at least issue a proclamation against, regardless of whether any other power should be invoked. In pursuance of a resolution introduced by Humphrey Marshall, Governor Shelby laid his correspondence concerning the project before the legislature with a message on November 15, 1794. In this message he defended his course on the ground of a lack of power, which, he declared, was subsequently borne out by the action of the Federal Government in passing the neutrality laws. He said: "The subject now became serious and interesting, and required the most attentive consideration, for although I felt no apprehensions that the intended expedition could be carried into effect, yet I entertained too high a sense of the obligations due to the General Government, to refuse the exercise of any powers with which I was clearly invested. After the most careful examination of the subject, I was doubtful whether under the constitution and the laws of my country, I possessed powers so extensive as those I was called upon to exercise." After referring to the subsequent action of Congress in passing the neutrality law he continued, "From the necessity of passing that law, I infer that my doubts as to the criminality of the proposed enterprise were well founded, and until the passage of that law, the offence had not been disclosed nor the punishment defined."<sup>26</sup>

But the belief that the expedition would fail without governmental interference, and that there were no laws that could be used to stop it, cannot be held solely responsible for Shelby's course. In fact, had he had no other consideration in view, he would thereby have been throwing away an excellent opportunity, and would have shown less political sagacity. He was given to see the possibilities of furthering the influence of Kentucky toward forcing the Federal Government to secure the free navigation of the Mississippi. This project was a most excellent weapon to use in playing on the fears of the Federal Administration. James Brown, secretary of state for the commonwealth, in a letter to Shelby, February 15, 1794, clearly stated this attitude:

"Indeed it appears to me that good policy will justify the Executive of this country, in discovering a certain degree of unwillingness to oppose the progress of an enterprise, which has for its object the free navigation of the Mississippi. In their deliberations on this interesting subject, Congress had uniformly acted under the influence of a local, unjust policy. Instead of consulting the interests of every part of the Union, they were once on the point of sacrificing all the western waters by an unnecessary surrender of their most valuable rights. Although that detestable plot could not be effected, yet our right is suspended and we are deprived of all the advantages which would result from the enjoyment of it. The secrecy with which the late negotiations are veiled, justifies a suspicion that some designs unfriendly to our interests yet exist and only wait a more favorable moment to be carried into effect. Congress, therefore, ought to know through every possible channel, that we are convinced of our wrongs, and conscious of our ability to redress them. Such information might call their attention to our situation, and give our interests a place in their political deliberations. Mortified at finding that their conduct towards the powers at war has only served to offend their allies without soothing their enemies—and apprehensive that all their abject submissions may fail in procuring them peace with England and Spain, they may be alarmed at the idea of our detaching ourselves from the Union at so

<sup>26</sup> Quoted in Butler, *History of Kentucky* (1836 Ed.), 525, 526.

critical a period. I am therefore happy that, whilst you have expressed your devotion to the laws and constitution of the Union, you have reminded the government of what is due to us as a State, and that power ought not to be assumed for the punishment of those whose object is to do what government ought long ago to have done for us."<sup>27</sup>

This was an admirable statement of the feeling not only of Brown but of Shelby and many other Kentuckians. It was a clever use of an unusual opportunity. While Governor Shelby was too tactful to proclaim this to be his plan and object at the time; he later declared that it was nevertheless true and that it succeeded. In 1812, Shelby said: "I saw evidently that the whole scheme of La Chaise would fall to the ground without any interference, and that the present moment was a favorable one, while the apprehensions of the President were greatly excited, to express to him what I knew to be the general sentiments of the Kentucky people, relative to the navigation of the Mississippi and the Spanish Government. \* \* \*" He added that he considered the ultimate settlement had been hastened by his course.<sup>28</sup>

There can be no doubt that the general opinion in Kentucky was that the Federal government was not fully exerting itself to solve the great Western problem; and in the light of this and as part of it, Shelby's course must be judged. It is also true that the Kentuckians were grossly mistaking the jealousy and hostility to the West frequently expressed by New Englanders and other Easterners, as the sentiments of Washington's Administration. As is known today, the Federal Government was doing all in its power to wrest its rights from Spain, but the Kentuckians honestly believed they were being neglected, and they must be judged in the light of this belief. Although Shelby's attitude most likely did not and could not hasten a settlement with Spain, it did bring about a better understanding between Kentucky and the Washington administration. And if the French enterprise in assuming the proportions it did aided in any way in the settlement, it was by way of Spain and not the United States. Its effects if any, were to hasten Spain in seeking an amicable settlement with the United States, for fear that otherwise the Kentuckians could not be restrained from marching on New Orleans and probably seizing the whole of Louisiana.

The purpose and methods of this French project were entirely different from the plots and intrigues of the Spanish as well as of the British. It was in fact not a conspiracy in any way against the United States, but was an attempt to help the United States solve a long-standing problem. A secondary consideration, to the French, however, in their main purpose was to humiliate their enemy, the Spaniards. The machinations of the other foreign nations in the West, previously and following, had reference to the detaching of American territory, of interfering with the integrity of the American possessions. Such was never a part of the French scheme. Participation in it on the part of Americans, then, could under no circumstances possess the elements of treason against their country; for by the Federal Constitution that crime was defined as consisting "Only in levying War against the United States," or "in adhering to their enemies, giving them aid and Comfort."

At most it was only a breach of American neutrality, which at that time was undefined by American Law. It was simply taking sides in a war between friends and enemies on a question which appeared on its face to concern Kentuckians much more than their friends, the French. It was a situation in which much the same sentiments that had led

<sup>27</sup> "Correspondence of Clark and Genet," 1041.

<sup>28</sup> Letters from Shelby to Martin D. Hardin, July 1, 1812, quoted in Wilson, *A Review*, 36; W. H. English, *Conquest of the Country Northwest of the River Ohio, 1778-1783*, and *Life of George Rogers Clark* (Indianapolis, 1896).

LaFayette and others previously to help America, played a part. And such sentiments were not confined to the West alone. General Henry Lee, Governor of Virginia, in April 1793, asked Washington's opinion on Accepting a major general's commission in the French army.<sup>29</sup> Washington refused to give any explicit advice, but let it be known that he, himself, would ponder long and well such a course before embarking on it.<sup>30</sup>

Not only from the nature of the project was it different from a conspiracy or intrigue, but also in the methods under which it was carried on. Genet had considered it to be so far from injurious to the interests of the United States that he gave the main outlines of it to one of the chief officers of the Federal administration at the very outset. George Rogers Clark, in its earliest stages, thought it should be kept a secret; but long before preparations for it had been completed, he declared that secrecy could no longer be maintained, and soon boldly threw off all appearances of secrecy by issuing his proclamation calling for troops. Clark could not therefore have thought that he was doing a treasonable or despicable thing, or even an unlawful thing. He tried to exercise all necessary care and circumspection, to the end of keeping the United States from being implicated or in any way compromised. In his offer to Genet of February (1793) Clark declared that "To save Congress from a rupture with Spain, on our accounts; we must first expatriate ourselves, and become French citizens. This is our intention."<sup>31</sup> In October, when he declared that he found it impossible to keep the project a secret any longer, he believed he should "have to be very circumspect in my conduct while in this country and guard against doing anything that would injure the U. States or giving offense to their Govt but in a few days after setting sail we shall be out of their Government, I shall then be at liberty to give full scope to the authority of the commission you did me the Honour to send."<sup>32</sup>

The Neutrality law passed by Congress and becoming effective on June 5, 1794, declared any person entering the service of a foreign state or enlisting others, should on conviction be liable to a fine of \$1,000 and three years imprisonment.<sup>33</sup> Thus, not until after the French project had been definitely abandoned, were laws passed which explicitly defined and provided punishment for such proceedings.<sup>34</sup>

Finally, in reviewing the whole subject and passing judgment upon the character and quality of the acts of those chiefly concerned in it, due account must be taken of the fact that State Sovereignty had not yet been attuned to National Sovereignty; that the sense of nationality was still inchoate, not only in Kentucky and the West but everywhere throughout the Union.

<sup>29</sup> Sparks, *Writings of Washington*, X, 343, 344. Dated April 29, 1793. There is no reason to suspect that he had not heard of the neutrality proclamation issued a week previously.

<sup>30</sup> Sparks, *Writings of Washington*, X, 342, 345. Dated May 6, 1793.

<sup>31</sup> "Correspondence of Clark and Genet," 969. Clark to French Minister, Feb. 5, 1793.

<sup>32</sup> *Ibid.*, 1008. Clark to Genet, Oct. 3, 1793.

<sup>33</sup> Fish, *American Diplomacy*, 105, 106.

<sup>34</sup> *Disunion Sentiment in Congress in 1794*, by John Taylor Caroline, for James Madison; edited, with introduction by Gaillard Hunt; Washington, 1905; and *The Northern Confederacy, According to the Plans of the "Essex Junto," 1796-1814*, by Charles Raymond Brown, Princeton University press, 1915; also, *The Kentucky Resolutions of 1798*, by Ethelbert Dudley Warfield; G. P. Putnam's Sons, New York, 1887.

## CHAPTER XXXI

### KENTUCKY AND THE FEDERAL GOVERNMENT ON THE OPENING OF THE MISSISSIPPI

The failure of the French enterprise did not improve the feeling of the Kentuckians on their ever-present problem, the navigation of the Mississippi. As long as that project was still in existence there was the possibility of something happening to their advantage even though they should not bestir themselves. But now with this veiled hope or expectation gone, they became more insistent in their efforts and demands for a final settlement of the question.

The Democratic societies still continued to exercise a powerful influence, in organizing and voicing the discontent of the people. They had entered into the French enterprise with zeal, and after the project had been disbanded everywhere else, the French agents still continued their correspondence with the Lexington society. In early May (1794), over two months after Fouchet had officially abandoned the venture, and ordered others to do the same, this society issued an address "To the Inhabitants of Western America," in which the people were again reminded of their unredressed grievances, with emphasis on the Mississippi River navigation. It declared that the time was at hand to act, that "we ought to relinquish our claim to those blessings, proffered to us by nature, or endeavour to obtain them at every hazard." It then rekindled its anger against the selfish and grasping Easterners, who "have endeavored to deprive us of all that can be important to us as a people." The address continued: "To you then, inhabitants of the west! is reserved the display of those virtues, once the pride and boast of America, uncontaminated with Atlantic luxury—beyond the reach of European influence, the pampered vultures of commercial countries have not found access to your retreat.

"A noble and just occasion presents itself, to assert your rights—and with your own, perhaps establish those of thousands of your fellow mortals.

"Reflect that you may be the glorious instruments in the hands of Providence, of relieving from the galling chains of slavery, your brethern of Louisiana. \* \* \*"<sup>1</sup>

This address showed that goodwill for France and actual considerations of aiding her in her undertaking still lived with the Democratic clubs. But shortly thereafter La Chaise informed the Lexington Democrats that "causes unforeseen had put a stop to the march of two thousand brave Kentuckians, who were about to go and put an end to the Spanish despotism on the Mississippi; where Frenchmen and Kentuckians, united under the banners of France, might have made one nation, the happiest in the world; so perfect was their sympathy." He also noted that he would bring the attention of the National Assembly to the efforts and goodwill of the Kentuckians, and suggested that they prepare an address to be delivered to it.<sup>2</sup> The Democratic Society answered, express-

<sup>1</sup> Marshall, *History of Kentucky*, II, 113. John Breckinridge was most likely the author of this address.

<sup>2</sup> Marshall, *History of Kentucky*, II, 120. It is quoted differently in Smith,



ing its deep regard for the French and lasting appreciation of their efforts to secure for them the freedom of the Mississippi; but it declared: "It appears to us that Notwithstanding we feel deeply interested in the course of freedom and the enjoyment of an unmolested Navigation of the Waters of our Country to the Ocean, from which we are deprived by injustice and despotism, Yet as Citizens of Kentucky and a part of the American Union, it would be improper at this period in our present situation to address the National Convention or Executive Council of France." <sup>3</sup>

But Le Chaise was not willing to dismiss all further efforts or consideration on the final conquest of Louisiana. He still believed that France could depend on the Democratic societies, by agitating the Mississippi River question. On May 19, 1794, he wrote the Lexington society that he felt his mission had been a failure, but he still had faith and hopes in their support. Assuming the role of a crusader, he asked, "why should I not have the luck of that fanatic priest whose name, I have forgot, who preached in France and the other States of Europe for the Conquest of the Holy Land." "Louisiana & its wretched inhabitants," he added, "are assuredly more interesting than that barren Country. The Spaniards who defend the Mississippi are more worthy of contempt than the Ottomans." <sup>4</sup>

The activity of the Lexington society was marked during the summer following the collapse of the French enterprise. It not only gave the last hope to the expiring French cause, but also continued through resolutions and addresses to rouse the people to a still higher pitch, and to impress the seriousness of the situation on Congress and the East. On May 24 (1794), "a numerous meeting of respectable citizens from different parts of Kentucky was held in Lexington" and after taking into consideration the degraded and deserted situation of that country, both as to its commerce and protection; and coolly deliberating thereon passed a series of thirteen resolutions. They began with the only question a Westerner could think of for first position and consideration, viz.: The navigation of the Mississippi. Although they had stated this grievance and their views thereon previously to a number of times not enumerated, they again declared that they were "entitled by nature and by stipulation, to the free and undisturbed navigation of the river Mississippi," and that from the day of American independence to the present day had been uniformly prevented by the Spaniards from enjoying the right. But the Spaniards were not the only ones who had been flouting the United States with impunity. Great Britain had come to be as great a sinner along this line as was Spain. And so wide-spread had the violations of the British become that the Eastern Americans had demanded a redress. If redress came, they declared that "Western America has a right to expect and demand, that nothing shall be considered as a satisfaction that does not completely remove their grievances; which have a stronger claim to satisfaction, both from their atrocity and continuance." The chief source of their discontent, however, was not confined to the audacity of foreign countries; it was rather to be seen in the inaction due to sectional partiality of their own Federal Administration. Indian dangers were ever present, and on this point they resolved that the Western people had a right to demand adequate protection for their frontiers and that the present defenceless condition "is a grievance of the greatest magnitude."

But one of their most aggravating grievances against the National

*History of Kentucky*, 323. A full and true copy may be found in *Innes MSS.*, Vol. 9, No. 86.

<sup>3</sup> *Ibid.*, Vol. 19, No. 85.

<sup>4</sup> *Innes MSS.*, Vol. 19, No. 87.

administration was the apparent contempt it had been showing toward the West. The most conclusive evidence of this was to be seen in the fact that it had not been taken into the confidence of the nation in its dealings with Spain in opening the Mississippi. So little had been told them that they were not sure that any serious negotiations were going on at all. The Lexington Democrats resolved "That the general government, whose duty it was to have put us in possession of this right, have, either through design or mistaken policy, adopted no effectual measures for its attainment.

"That even the measures they have adopted, have been uniformly concealed from us, and veiled in mysterious secrecy.

"That civil liberty is prostituted, when the servants of the people are suffered to tell their masters, that communications which they may judge important, ought not to be intrusted to them.

"That we have a right to expect and demand, that Spain should be compelled immediately to acknowledge our rights, or that an end be put to all negotiations on that subject."

The days of resolving and addressing were soon to be followed by a more vigorous line of procedure. In this same set of resolutions, it was declared that the grievances enumerated were common to all the western peoples "and that we will unite with them in any measures that may be expedient for that purpose." In order to obtain "the sense of the inhabitants of the State at large, that no doubt may be entertained of their opinions and determinations on these important subjects; that we may be able when it shall be necessary to communicate as a state, with the other inhabitants of the Western Country" they recommended that each county appoint a committee of correspondence. These committees were to be vested with powers, which if exercised and supported by the people, would weld the state into a unit on the question of their grievances. Not only should the committee send and receive communications on these subjects of Western discontent, but it should also call county meetings "and when it may be judged expedient, to call upon the people to elect proper persons to represent them in Conventions, for the purpose of deliberating on the steps which will be most expedient for the attainment and security of our just rights.<sup>5</sup> Such powers if carried to their logical conclusion could easily have led to almost revolutionary performances. That these were not idle resolutions born of the heat and stress of the Lexington meeting and destined to die with it is seen in the fact that the Bourbon Democratic Society endorsed the Lexington resolutions and took the first step of putting the plan of state organization into working by providing for two men from each militia company to compose the county committee.<sup>6</sup> Meetings were called in other counties and efforts made to carry out the program, but on account of the general conservatism of the people, and also for reasons that will appear later, little beyond this was ever done.<sup>7</sup>

At the same time the Lexington society was attempting to arouse the people of the state, it also prepared an address to Congress and the President, reiterating its old demands and becoming more insistent for action of some sort that would let the Kentuckians know what to expect. The Western resolutions which had been passed to arouse the people of the state were incorporated into the address with comments designed to strengthen them. Great Britain was strongly denounced again and it was demanded that an ultimatum should go out to Spain requesting that

<sup>5</sup> For full text of resolutions see "Correspondence of Clark and Genet," 1056-1058; Marshall, *History of Kentucky*, II, 121, 122. *Kentucky Gazette*, May 31, 1794. These resolutions on a printed handbill of the times may be found in *Breckinridge MSS.* (1794).

<sup>6</sup> *Kentucky Gazette*, July 12, 1794.

<sup>7</sup> Marshall, *History of Kentucky*, II, 122, 123.

nation to give a categorical answer whether it would "acknowledge the right of the Citizens of the United States, to the free and uninterrupted navigation of the river Mississippi, and cause all destructions, interruption, and hindrance to the exercise of that right in future to be withdrawn and avoid, the immediate answer thereto be regained; and that such answer be the final period of all negotiations upon that subject." In support of the demand for this ultimatum, the Federal administration was reminded that "Eight years are surely sufficient for the discussion of the most doubtful and disputable claim; the right to the navigation of the Mississippi admits neither of doubt or dispute." The address added: "Your remonstrants further represent, that the encroachment of the Spaniards upon the territory of the United States is a striking and melancholy proof of the situation to which our country will be reduced, if a tame spirit should still continue to direct our councils." The strong reminder was expressed that if these foreign nations were made to live up to their obligations to the United States, the Federal administration was expected in so bringing it about to remember that satisfaction should "extend to every injury and insult, done or offered to any part of America by Great Britain and Spain; and as the detention of the posts, and interruption to the navigation of the Mississippi, are injuries and insults of the greatest atrocity and of the longest duration, they require the most particular attention to those subjects." The remonstrants did not want to leave the impression, however, that their loud and frequent complaints precluded their hearty support and co-operation with the Federal Government, in any efforts to redress their grievances. They declared "that we will to the utmost of our abilities, and in any mode that can be devised, support the general government, in the firmest and most effective measures, to obtain full satisfaction for all our wrongs."<sup>8</sup>

The distrust that was held in the West toward the sincerity of the Federal Government in its supposed efforts to solve western problems was honest and widespread. Evidence to this effect arises on all sides. The members of the Democratic societies, with all their radicalism, were just as honest in their distrust. In the meeting of the Lexington society held on August 11, 1794, a committee of three was appointed to prepare a list of questions to be put to John Edwards, one of the state's United States senators. A long and comprehensive list was drawn up, which showed in every sentence a slant of distrust of the sincerity of the United States in its negotiations with Spain. Among the questions asked were these:

"Do you believe it to be the earnest wish and desire of the Northern & Eastern politicians in Congress, that we should be invested with this right [the navigation of the Mississippi]?"

"Do they in short view the rising importance of Western America with the eye of patriotic liberality, or with the spirit of Jealousy & disaffection?"

"In short, from your whole knowledge of this subject are you of opinion, that we have a right to ground any *solid* expectations in the present negotiations?"<sup>9</sup>

Through the French enterprise, resolutions and addresses of Democratic societies, and the vigorous expressions of opinion written and spoken by the leaders of affairs, Kentucky began to assume in the eyes of many Easterners a position scarcely less menacing than that of the French, British, or Spaniards. An eastern friend wrote John Breckinridge that opinions in the East on the activities of the Democratic societies "are very different some suppose your language is too pointed or rather

<sup>8</sup> "Correspondence of Clark and Genet," 1058-1060.

<sup>9</sup> This list of questions with Edward's answers is in *Breckinridge MSS.* (1794).

arrogant to the supreme legislative Body of the United States others think you only speak with that manly firmness which ought always to characterize a republican people when in quest of their undoubted rights." <sup>10</sup> John Breckinridge, who as before noted, was a mighty force in this western discontent. As chairman of the Kentucky Democratic Society, he was generally responsible for the language of the resolutions and addresses issued. He received numerous letters from former associates in the East advising him of their fear that he might be carrying matters too far. John Nicholas wrote him shortly after the thirteen resolutions had been issued, "I must tell you that your old friends to the Eastward condemn you a little for your warmth, while they approve of your republican disposition." <sup>11</sup> Another Easterner wrote of the unenviable reputation Kentucky was establishing for herself: "little else on political subjects is now talked of except the conduct of the Kentuckians, this has excited much speculative conversation and none has yet ventured to say what they suppose their object certainly is." He declared that some reports were circulating to the effect that the Kentuckians were contemplating an alliance with Great Britain. The causes of such a reputation in the East were the "want of a proper temper, proper respect to the General Government, party spirit, and sinister views. \* \* \*" He added that Kentucky should weigh the consequences of her actions that might lead to the dismemberment of the Union and ultimate war.<sup>12</sup> In answer to these charges and others that had been circulating in the East to the detriment of the standing of Kentucky in the Union, John Breckinridge wrote to Samuel Hopkins a strong defense interspersed with satire and biting sarcasm: "Nature has done every thing for us; Government every thing against us. I must confess, however, that the present state of Mississippi Business, produces serious and distressing reflections in the minds of every thinking man here. That it will not long remain in its present state, is beyond all doubt. No human policy, chicane tricks, or promises, can much longer assure the people here. They have for some time considered themselves as being deluded by Govt., and sacrificed to the narrow local policy of the Eastern States. You could not persuade a man here (unless an excise officer perhaps) that the Eastern States would not yield the whole commerce and with it the Happiness of all Western America, for some little commercial advantage to them, were it only in the cod-fish or molasses trade." He declared that the Kentuckians were shocked when they heard that John Jay had been appointed to negotiate with Great Britain.

"We have sat down with patience to wait the Event of his negotiations & God send, they may not show us that we may fight or negotiate for ourselves.

"I am sorry to learn from my Virga. friends that false reports are propagated there respecting our desire to separate from the Union, or to negotiate with the British or Spaniards. Be assured both suggestions do us injustice. The latter are too contemptible to become allies, and even the name of the former is odious here as it was with you in '76. I wish the Rulers of Ama. revered the British as little as we do. Neither their policy nor their guineas, are current here. Our statesmen here have not yet learnt, how to draw from them those materials, which brighten both their ideas & their pocketts. Unassisted common sense & common honesty tell us, it is as criminal & treacherous in a British Subject to hire an Indian to murder our wives and children, as if he had committed the act, himself, and that the deed is no less atrocious because perpetuated on the *West*

<sup>10</sup> *Breckinridge MSS.* (1794). Alexander Stuart to John Breckinridge, no date, no place.

<sup>11</sup> *Ibid.*, dated July 15, 1794.

<sup>12</sup> *Breckinridge MSS.* (1794). J. Preston to John Breckinridge, Aug. 5, 1794.

side of the Alleghany. But we may be wrong for we are too distant from the grand seat of information, and all too much hackneyed in old fashioned principles of 1776, to receive much light, from the banking, funding & other new fashioned systems and schemes of policy which are the offspring and ornament of the present administration. As distant as our thoughts may be from a connection with the British or Spanish, at the present time, let Government take care they do not drive us to it. The Missi. we *will* have. If Government will not procure it for us, we must procure it for ourselves. Whether that will be done by the sword or by negotiations is yet to scan. The moment we certainly despair of not procuring it through the General Government, from thence will our efforts begin, and let them take what direction they will; Congress must take them as they find them. This is my opinion respecting the temper & sentiments of the people here." <sup>13</sup>

This was the mature reflection of a Western leader, the attorney general of the commonwealth, the chairman of the Kentucky Democratic Society, and a competent observer whose estimate of Western sentiment was trustworthy.

But not all opinion east of the mountains held the Kentuckians blame-worthy of too much radicalism in seeking their rights. One Eastern well-wisher believed that the seaboard states were fearful of the West taking their trade away from them, should the Mississippi be opened. He continued: "I think then I may safely join my opinion to others & say that the people who live in the Countries watered by the streams of the great River, neglect a duty to themselves and to their prosperity, if they do not make every exertion in their power, consistent with the principles of the federal constitution, the treaties and laws, thereon depending and their own unalienable Right to procure the freedom thereof." <sup>14</sup>

The quest for information on what the national government had done, was doing, or expected to do toward opening the Mississippi was not confined to private individuals and groups of them in such bodies as Democratic clubs. The state government was scarcely organized before it began to put forth the same efforts. On December 16, 1793, a petition "of sundry Inhabitants of this Commonwealth" was read in the House setting forth the fact that the Mississippi was still under the control of a foreign power and wanting to know "the feeble attempts, if any, which have been made by the Federal Government, to obtain it." Reciting the fact that this want of an outlet had a tendency "to throw a damp on the industry of the present Inhabitants of our infant Country, to prevent the emigration of industrious Citizens from other parts," the petitioners requested "that the Legislature would take such measures, by instructing our Representatives in the Senate of the United States, and otherwise, to obtain the free use and navigation of that river; and also require from them, information of the measures, if any, which have been taken by Government for that purpose." Four days later as a result of this petition, a resolution was passed by both the House and Senate, requesting the Kentucky senators in the United States Senate "to demand an account of what measures have been taken" to open the Mississippi, "and to transmit such information, from time to time, to the Executive of this State, as they shall receive." <sup>15</sup>

Although this was in the midst of the French enterprise, the Federal Government was not stampeded into giving out the secrets of diplomatic procedure and negotiations. It was undoubtedly due to this resolution that

<sup>13</sup> Breckinridge MSS. (1794). John Breckinridge to Samuel Hopkins, Sept.

<sup>15</sup>, 1794.

<sup>14</sup> *Ibid.*, John Rhea to John Breckinridge, Sept. 10, 1794.

<sup>15</sup> MS. *Journal of the House of Representatives*, 1793, 145, 146, 167, 173, 174, quoted in Wilson, *A Review*, 47, 48.

Secretary of State Randolph in his letter to Shelby of March 29, 1794, gave certain information on the Spanish negotiations. He said "But as it may not be known that the navigation of the Mississippi has occupied the earliest labours of the executive, and has been pursued with an unremitting sincerity, I will lay before you such a sketch of the pending negotiations, as may be communicated, consistently with the respect due to the nation in treaty with us, and the rules observed in such cases." He then referred to Carmichael's mission and to the fact that his instructions were vigorous and that if they might be divulged, "I should expect with certainty, that those who are the most ardent for the main object would pronounce that the executive has been deficient neither in vigilance nor exertions."<sup>16</sup>

Congress was becoming somewhat alarmed in the fact of the exaggerated reports of French operations in Kentucky and the demand of that state for information on the Mississippi River question. Aided by these forces, the United States Senators from Kentucky were able to bring the Senate to act in May, 1794. A resolution was reported on the 14th declaring that although Congress did not want to embarrass the Executive in any way in the present unfinished state of the Spanish negotiations, still "in order to satisfy the citizens of the United States more immediately interested in the event of this negotiation, that the United States have uniformly asserted their right to the free use of the navigation of the river Mississippi, and have employed, and will continue to pursue such measures as are best adapted to obtain the enjoyment of this important territorial right. \* \* \* the President of the United States be, and he hereby is, requested to cause to be communicated to the Executive of the State of Kentucky, such part of the existing negotiation between the United States and Spain, relative to this subject, as he may deem advisable and consistent with the course of negotiations."<sup>17</sup>

Governor Shelby, one of whose chief characteristics was honesty of purpose and openness in his dealings, was unable to understand in the light of the seriousness of the Western situation why the Federal Government did not openly and at once satisfy the people on what was being done. And even after Randolph had given as much information as he well could, and had hinted that it was only diplomatic usage and necessity that prevented him from giving more, Shelby still felt far from satisfied. In June he wrote his attorney-general, John Breckinridge, enclosing a copy of Randolph's letter of March 29th, with the remark that "you will readily discover that Mr. Secretary has not given that information on the subject of the treaty for the Navigation of that river as you had reason to expect."<sup>18</sup>

Shelby furthered this early protest against secret diplomacy as well as showed his lack of high consideration for the Secretary of State by refraining from any further correspondence with him. Back of this there was undoubtedly also the game that Shelby afterwards referred to as having worked on the National Government, and which John Breckinridge had previously suggested to him as workable.<sup>19</sup> This delay at least produced an uneasy feeling in the councils of the nation, and on August 15 (1794), Secretary Randolph wrote Governor Shelby, again, declaring at the outset that he had "not been able to learn except by an uncertain report" whether his letter of March 29, had ever reached him or not. He said that the negotiations with Spain were not yet concluded but as to the "views and dispositions of the general government," the President had thought it wise to send a commissioner who "may frankly and

<sup>16</sup> *American State Papers, Foreign Relations*, I, 456, 457; Marshall, *History of Kentucky*, II, 151, 152.

<sup>17</sup> *Kentucky Gazette*, March 14, 1795; Butler, *History of Kentucky*, 256, 257.

<sup>18</sup> *Breckinridge MSS.* (1794). Letter dated June 10, 1794.

<sup>19</sup> *Ante.*

explicitly lay them before the legislature and Executive of your State." He then informed Shelby that such a commissioner would be sent forward as soon as possible and that he hoped every facility would be extended to this agent in getting his message before the legislature. He concluded with the assurance that "In this step your excellency will discern a further proof of the anxiety of the President to remove all grounds of dissatisfaction: And indeed, sir, I cannot pass by this occasion of offering my persuasion, that after the most ample disclosure of the public conduct respecting the Mississippi you will find that nothing has been left unattempted by him, which his powers, his exertions, and the situation of our country would permit."<sup>20</sup>

Mindful of its previous call for information, the House early in the November-December session of 1794, resolved that as "it is probable, that the Governor of this State hath before this time received communications," he was "requested to lay before this house, such information as he may have received from the Senators of this State in Congress, or from any department of the General Government. \* \* \*"<sup>21</sup> Soon thereafter, Governor Shelby laid before the House the correspondence he had had with the Secretary of State, and of War, heretofore noted.<sup>22</sup> But the information contained in these letters was of little value in allaying the anxieties of the Legislature and of the people generally. Actuated by no desire to embarrass the Federal Government in its Spanish negotiations the General Assembly again, on December 20 (1794), instructed its Senators in Congress to find out from the President what had been done and to send the information to the Governor of Kentucky. It took this course as "it appears to the general assembly, that the commissioner who was appointed by the president of the United States, in order to be sent to this state, with communications on the subject of the negotiations relative to the navigation of the Mississippi, has not arrived; and probably will not during the present session." Clauses were included calling for the repeal of the excise tax on distilled spirits, and demanding that the British be made to get out of the Northwest posts. But the spirit of conciliation and co-operation was present to an unusual degree in these resolutions. It was resolved: "That we consider it a duty which we owe to ourselves and constituents, to pursue such measures as may have a tendency to preserve mutual harmony, confidence, and good will, between the citizens of this state, and the other component parts of the general government, in every constitutional effort for obtaining and securing to the citizens of this, and other states, their several rights and privileges; and should the peaceable measures pursued by congress for the attainment of the western posts, and the navigation of the Mississippi, fail of success, we consider it the duty of the Kentucky people to use every necessary exertion on their part, in concert with, and to render effectual any other measures, which may be adopted by the general government, for obtaining those interesting objects."<sup>23</sup>

This was an explicit and direct expression of the improved feeling that had come over the general assembly. It was not only the result of the President's unusual consideration in appointing a personal representative to lay certain information before that body, in person, but also a direct outcome of "Mad Anthony" Wayne's successful campaign against the Indians north of the Ohio. Kentucky felt a special pride in this campaign

<sup>20</sup> *Kentucky Gazette*, March 14, 1795.

<sup>21</sup> *MS. Journals of the House of Representatives*, 1794, 39, 40, quoted in Wilson, *A Review*, 49. Date of resolution, Nov. 12, 1794.

<sup>22</sup> *Ibid.*, 50, quoted in Wilson, *A Review*, 50. Date of Shelby's reply, Nov. 15, 1794.

<sup>23</sup> Marshall, *History of Kentucky*, II, 159, 160; *Kentucky Gazette*, Feb. 7, 1795. These resolutions were passed by a large majority—21 to 5.

as her own General Charles Scott with sixteen hundred Kentucky volunteers had greatly contributed to the victory at Fallen Timbers. There is little wonder, then, that the customary complaint of a lack of protection for the frontier, was not to be found among this set of resolutions. But the most surprising manifestation of a changed attitude was the election of Humphrey Marshall to be a United States senator. Marshall had been a long and consistent critic of the Democratic leaders of the state and of all that they stood for; and had as uniformly upheld the Federal administration. His opponent for the senatorship was John Breckinridge, who was the outstanding leader of Kentucky democracy at this time. But Breckinridge had for the past year been the mouthpiece of Kentucky discontent and criticism of the Federal administration; Marshall had assumed the opposite role.<sup>24</sup>

Washington appointed as his agent to Kentucky, James Innes, a brother of Judge Harry Innes of the Federal District Court for Kentucky. It was Washington's intention and expectation that Innes would reach Kentucky in time to present his information to the session of the general assembly meeting in November, 1794. But in this Innes failed. In a letter of January 10, 1795, he stated that "A series of untoward events, prevented my arrival into Kentucky, at an earlier period."<sup>25</sup> The legislature had adjourned late in the previous December. Continuing in this letter, written from Frankfort, he informed Shelby that he had been appointed "a Special Commissioner to detail a faithful history of the negotiations pending between the United States and the Court of Madrid respecting the navigation of the Mississippi," and that he hoped he would make use of the information to quiet the people "by unfolding to them, the undisguised state of a negotiation, in the issue of which, altho they from local considerations, may feel themselves more immediately involved, yet in truth, is the whole American republic, materially concerned." Eleven days later, Shelby writing from his home in Lincoln County, in a happy vein, declared he would be glad to make the report public. He expressed the feeling that was common throughout the state: "All we ask of the General Government is, that we shall be considered as making a part of the people, and one government, and the same care should be taken of the acknowledged rights of any other part of the United States."<sup>26</sup> Innes then on the 15th of February proceeded to give a long and detailed account of the difficulties with Spain and the negotiations up to that time. He told of Thomas Pinckney's appointment to the Court of Madrid and of the instructions that had been given him. He noted particularly the point the President had made that he would enter into no commercial arrangements with Spain "until our right to the free use of the Mississippi shall be most unequivocally acknowledged and established, on principles never hereafter to be drawn into contestation." Of course, Innes was unable to give any results of this mission, as Pinckney did not arrive at Madrid until the following June. Shelby answered immediately telling of his great satisfaction at knowing now that the Federal administration was trying to secure their rights; but he added in a chiding tone: "*The proper communications* now made by you, sir, on this occasion, and the general satisfaction which I have no doubt will be the consequence of those communications, will, I hope, sufficiently prove, that a more early communication of the kind would have prevented all uneasiness and discontent in this country on this subject." He concluded with a defence

<sup>24</sup> Marshall, *History of Kentucky*, II, 161.

<sup>25</sup> Marshall imputed bad motives to James Innes' delay. He charged that Innes had purposely delayed his report until after the legislature adjourned. See *Ibid.*, 170, 171.

<sup>26</sup> *Kentucky Gazette*, March 14, 1795. This correspondence is published in full there, taking up three of the four pages.



of Kentucky: "I flatter myself also, in saying that the citizens of this country, are as warmly attached to the American union as the inhabitants of any part of the continent, and that they possess too much understanding and independence to be deceived 'by the wicked machinations of mad and deluded ambition.'"

At the next meeting of the legislature, in November of 1795, Governor Shelby laid before it the correspondence that had passed between himself and James Innes. This was not, however, the first knowledge the public had of the mission, as it was published in the *Kentucky Gazette*, directly after Innes had concluded his task.<sup>27</sup> But as Pinckney's negotiations moved slowly in Spain, and no further information followed Innes' report, Shelby again became impatient and doubts and misgivings began to spring up. In his message to this general assembly he said that he had heard nothing since Innes had left "and that from the late encroachments made by the Spaniards on the territory of the United States, there is (I fear) little or not hope for a successful termination of that negotiation."<sup>28</sup> This impatience was also shared in by the legislature, which passed its customary resolutions calling for information, with this latest series made somewhat more vigorous by its growing concern and anxiety. On November 19th (1795), resolutions were passed calling on the Kentucky Senators at the national capitol "to take the most speedy and effectual measures, to obtain information respecting the situation of the negotiation with the Court of Spain, respecting the navigation of the Mississippi. \* \* \*"<sup>29</sup>

But all these resolutions for information and statements of impatience and anxiety, would have been left unthought of and unwritten had Kentucky known that Pinckney signed with Spain the treaty of San Lorenzo, on the preceding October. This treaty apparently secured all of those rights to the navigation of the Mississippi that the Western settlers had been contending for since the end of the Revolution. Navigation was now opened to the Americans and New Orleans was given them as a place of deposit for three years with the right to send their goods out free of duty. And in the words of the treaty, "His Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi an equivalent establishment."<sup>30</sup>

When the news reached Kentucky, she felt a considerable relief from her dozen years of strife and agitation for this principle; but this joy and comfort was considerably tempered by certain violent dislikes on another question that was being loudly expressed at this time. This was the settlement with England so long put off but which Jay had finally secured.

Although England had won for herself a secure place among the abominations of the Kentuckians, still the first place had long been filled by Spain. Therefore, when renewed efforts were made to settle her international difficulties, the United States picked England to receive first attention; and Kentucky was, thereby, given one more reason for

<sup>27</sup> Marshall erroneously says this correspondence was "withheld from the public" until Shelby made it public by officially presenting it to the legislature. Marshall, *History of Kentucky*, II, 170. Doubtless on account of too close a reliance on Marshall, Butler said, "It is to be regretted that Governor Shelby should not have felt himself at liberty, to have laid these communications before the public, in order to tranquilize their apprehensions and suspicions." Butler, *History of Kentucky*, 256. Both, thus, ignored or were ignorant of the fact that the whole correspondence was published immediately after its conclusion in the *Kentucky Gazette*.

<sup>28</sup> *Kentucky Gazette*, Nov. 28, 1795.

<sup>29</sup> *Innes MSS.*, Vol. 19, No. 60.

<sup>30</sup> Fish, *American Diplomacy*, 124. The exact date was Oct. 27, 1795.

feeling discontented. The more pressing problem with Spain was allowed to wait, perchance, because the trouble with England touched more closely the interests of the Easterners. But no better method could have been chosen to add insult to neglect than by choosing John Jay, the declared enemy of the West, to conduct those negotiations. Kentuckians never could forget that it was Jay—who had once offered to barter away the welfare and happiness of the West for some commercial arrangements advantageous to Easterners only. It was therefore entirely befitting that the Kentucky Democratic Society in its meeting in Lexington on May 24, 1794, should allot one of its famous thirteen resolutions to Jay. The ninth resolution declared, "That the recent appointment of the enemy of the Western country to negotiate with that nation [Great Britain], and the tame submission of the general government, when we alone were injured by Great Britain, make it highly necessary, that we should at this time state our just demands to the President and Congress."<sup>81</sup>

The twenty-fourth of May was for another reason an important day in Lexington history, as, indeed, that of Kentucky. On this day Lexington was the storm-center of Kentucky discontent, and here were gathered together representatives from throughout the state. This day was appointed by the Democratic Society of Kentucky, and all proceedings were either in its name or under its influence. Apart from the meeting and proceedings of the Democratic Society, the remainder of the day was devoted to a carnival of ridicule and contempt for John Jay. The appointment of this "enemy of the Western Country" so vividly recalled to its inhabitants "his former iniquitous attempt to barter away their most valued right, that they could not refrain from openly testifying their abhorrence of the man whose appointment at this critical period of their affairs they consider as tragically ominous." As the crowds gathered and their anger began to arise and be communicated to one another, a mode of procedure soon began to crystallize with the result that they "ordered a likeness of this Evil Genius of Western America to be made which was soon well executed." It was then "Ushered forth from a barber's shop, amidst the shouts of the people, dressed in a courtly manner, and placed erect on the platform of the pillory. In his right hand he held uplifted a rod of iron. In his left he held extended, Swift's late speech in Congress on the subject of British depredation; on one side of which was written: *Nemo repente fuit turpissimus*.—Juv., Sat., 2, V. p. 33. No man ever reached the heights of vice at first. And on the other—*Non deficit alter*. Virg., Aen., 6. A second is not wanting." Hanging to his neck suspended by a hempen string was "Adam's defence of the American Constitution; on the cover of which was written: *Scribere jussit auram*.—Ov., Ep. God made me write it."

After being subjected to the jibes and jeers of the crowd, it was taken down and guillotined. It was then set on fire, and having previously been filled with powder, it "produced such an explosion that after it there was scarcely to be found a particle of the *Dejecti membra Plenipo*."<sup>82</sup>

Jay's appointment had been an unwelcomed surprise in other parts of the nation also. However, he was soon on his way to England, and after meeting many difficulties and showing considerable diplomatic skill, he was finally able to conclude a treaty with England, which was signed on November 19, 1794. It was a comprehensive document, including a settlement of numerous points of dispute and principles of international law. The part that directly affected Kentucky, was the clause in which England

<sup>81</sup> "Correspondence of Clark and Genet," 1057.

<sup>82</sup> The description in MS. is in *Breckinridge MSS.* (1794). This was most likely the copy for the account which appeared in the *Kentucky Gazette*, May 31, 1794. A copy from the *Gazette* is in McElroy, *Kentucky in the Nation's History*, 188, 190.

promised to evacuate the Northwest posts on or before June 1, 1796. The treaty did not arrive in America until June, 1795, when it was immediately sent to the Senate for secret discussion and ratification. On June 24th, it was ratified with certain exceptions. The secrecy that surrounded the contents of the treaty as well as the proceedings concerning it was soon broken by Senator Mason of Virginia, who furnished a copy to the press. Immediately there followed a storm of indignation throughout the country. Public speakers who were hardy enough to defend it were hissed and jeered at and sometimes even stoned from the platform.

The storm burst in Kentucky with great fury. The full text of the treaty appeared in the *Kentucky Gazette* of August 1, 1795; and from then on its columns were filled with denunciation of the treaty and of those who voted for it. As Humphrey Marshall was the only Kentucky senator so voting, he immediately was made the object of attack and abuse. The treaty itself was opposed to a large extent because it had been negotiated by Jay and because it was a Federalist measure. John Brown declared that no credit for securing the evacuation of the Western posts could be claimed by Jay, as it was really the French victories over England on European battlefields that got for him this concession.<sup>33</sup>

This general western opposition to the treaty and to all who had anything to do with it was well set forth in the "Political Creed of Western America," which appeared in the *Kentucky Gazette*. Among the tenets of this creed were these: "I believe that the treaty formed by Jay and the British King, is the offspring of a vile aristocratic few, who are enemies to the equality of man, friends to no government, but that whose funds they can convert to their private emolument." "I believe the political dotage of our good old American Chief has arrived. \* \* \*" And as for Humphrey Marshall, "I do sincerely believe (from a knowledge of the man), that the Senator from Kentucky, who voted in favor of the treaty, was actuated by motives the most dishonorable \* \* \* that he is a stranger to virtue, either private or public, and that he would sell his country for a price, easily to be told. "I do also believe that Kentucky has as little reason to complain on this important occasion, as any of her sister States; as she had a perfect knowledge of the character of the man she delegated to represent her, knew that he possessed a soul incapable of good, and sentiment opposed to her interest."<sup>34</sup>

Marshall beat back at his political opponents, which was almost synonymous with personal enemies, using the *Kentucky Gazette* as his chief mode of expression.<sup>35</sup> Some issues of the paper were almost wholly taken up by his long defense of the treaty. The other newspaper published in Lexington, the *Lexington Herald*, refused to accept Marshall's long letters, giving as its reason that it would not be fair to the subscribers to crowd out all the news of the times in order to give currency to one man's arguments on the treaty.<sup>36</sup> The *Gazette* accepted and published them only after it was assured that it would be "paid for printing them, as for articles of a private nature."<sup>37</sup>

Public indignation also flared up in numerous meetings throughout the state. A meeting of citizens in Clark County sent a remonstrance to the President in the hope of preventing him from signing the treaty. They declared, "Should you, sir! concur with the Senate in the signature of that treaty, our prognostication is, that Western America is gone forever \* \* \* lost to the Union, and grasped by the voracious clutches of that

<sup>33</sup> Innes MSS., Vol. 19, No. 19. Brown to Harry Innes, July 31, 1795.

<sup>34</sup> *Kentucky Gazette*, Sept. 16, 1795. Quoted in part in McElroy, *Kentucky in the Nation's History*, 193, 194.

<sup>35</sup> These arguments ran through the issues of October, 1795.

<sup>36</sup> *Kentucky Gazette*, Oct. 3, 1795.

<sup>37</sup> Marshall, *History of Kentucky*, II, 173.

insatiable and iniquitous George, the Third, of Britain.”<sup>38</sup> A meeting at Harrodsburg declared that Marshall in voting for the Jay treaty “had betrayed the trust reposed in him,” that if it ever came up for vote again he should vote against it, and that he should vote for no other treaty with England “which shall sacrifice the honor, the faith, the independence, the just privileges, or the true interest of the United States.” As a direct slap at Marshall, resolutions were passed declaring that six years was too long for a United States senator to hold office, and calling on the legislature to instruct the Kentucky representatives in Congress to propose a constitutional amendment reducing the term, and also to allow a recall of a senator if demanded by a two-thirds majority of the state legislature.<sup>39</sup> A meeting of protest was also held in Lexington, which the supporters of the treaty declared had been reported to be much larger in numbers and greater in influence than it really was.<sup>40</sup>

When the legislature met in November it soon took note of the popular clamor throughout the state by attempting to instruct Marshall by name to vote against the treaty should it come up again. It was later modified so as to demand that Kentucky’s “senators” vote against the treaty, despite the fact that John Brown, the other senator, *had* voted against it. Marshall declared that as the British government accepted the modifications made by the Senate,<sup>41</sup> the treaty did not come before the Senate again, “which saved the erratic senator, from another offence: For certain it is, that with the impressions, under the influence of which he acted, he should have disobeyed the instructions.”<sup>42</sup>

In his message to the legislature, Governor Shelby gave his views in no uncertain tones. He declared he would not be discharging the duty he owed his country if he did not call the attention of the legislature to the “treaty lately concluded between America and Great Britain.” He continued, “If this treaty contained stipulations which were only contrary to good policy, although it would be the undoubted right of the State Legislatures to express their opinions of those stipulations, it might be a matter of doubt whether it would be expedient for them to do so. But as many stipulations contained in this treaty are evidently contrary to the Constitution of the General Government, I consider it as the indispensable duty of the State Legislature to express their sentiments upon such parts of the treaty as are unconstitutional, with the firmness and decency becoming the representatives of freemen. If you view this important question in the same light that I do, I have no doubt that you will act upon it, in such a manner as will do honor to yourselves and our constituents.”<sup>43</sup>

With the lapse of time and the evacuation of the posts by the British the opposition of the Kentuckians died down. Their hatred of England, however, suffered little diminution, as evidences were not lacking that the British were continuing to incite the Indians against the Western frontiers. A second war was destined to be fought with that nation before this and other perplexing questions were finally settled.

But in the settlement with Spain in 1795, the rights supposedly secured were yet to be contested again, but a final solution was secured long before difficulties with England were adjudicated.

<sup>38</sup> *Kentucky Gazette*, Sept. 19, 1795. Quoted in McElroy, *Kentucky in the Nation's History*, 193.

<sup>39</sup> *Kentucky Gazette*, Oct. 3, 1795.

<sup>40</sup> *Ibid.*, Sept. 19, 1795.

<sup>41</sup> Jay had made the inexcusable blunder of agreeing to give up the right of the United States to export cotton and certain other products in American vessels, in return for the freedom of trading with the West Indies in vessels of not over seventy tons' burden. See Fish, *American Diplomacy*, 118, 119.

<sup>42</sup> Marshall, *History of Kentucky*, II, 172.

<sup>43</sup> Text in *Kentucky Gazette*, Nov. 28, 1795. See also McMaster, *History of the People of the United States*, II, 256.

## CHAPTER XXXII

### SPAIN AND THE GENET EPISODE: FURTHER SPANISH PLOTS

During the period of Genet's activities in the West, other nations were also watchful for whatever they might secure for themselves in this time of uncertainty. In the minds of the various foreign agents that were honeycombing this region, no rumor or plot seemed too wild for belief or investigation. In their estimation Kentucky's allegiance was open to the highest bidder. Lord Dorchester in Canada was still hopeful that by fishing in the troubled waters, he might yet secure something for Great Britain. Although he had no active plans for building up British sentiment in Kentucky owing to an almost universal detestation in that state for all things British, nevertheless he did not cease to be actively watchful and interested. If he could not win advantages for his country by friendship, he would at least not allow the powerful weapon of Indian hostility to remain idle. This policy of stirring up the Indians against the Western settlers had been so persisted in that the United States was forced to deal with the situation in the three important Indian campaigns of Harmar, St. Clair, and Wayne. Not until the last named had disastrously defeated the Indians and defied the British garrison in Fort Miami, was the power of the Western tribes broken and the influence of English agents largely nullified. The evacuation of all the Northwest posts in 1796 completed for a time the destruction of the British ascendancy over the Indians. Not until the preliminaries of the second war for American independence had been ushered in, did the Indians again under British influence take the warpath against the Western frontiers.

The nation that was now most concerned in what was happening in the West, and had long been so, was Spain. With her vast possessions lying to the westward and southward, she was constantly in a fearful and panicky mood. To her the regions west of the Alleghanies was a sphere of influence all her own. In her own possessions her authority must be supreme and unchallenged; and in the territories of the Americans her exclusive right to plot and intrigue must be recognized and respected by other nations. It was, therefore, with indignation, as well as fear, that she beheld the French not only winning and welding the sympathies of the Kentuckians, but actually planning to attack Spanish possessions for the purpose of wresting them forever from the control of Spain.

Spanish agents and French traitors succeeded in keeping the Spanish authorities in a panic over Genet's projected expedition against Louisiana. Intelligence of the plans of the French was usually in the hands of the Spaniards as soon as the plan was matured. The grandiloquent dreams of Genet were greatly magnified by the time they reached the Spaniards, with the result that the latter were constantly possessed with a nightmare of swarms of hostile Frenchmen and Kentuckians bearing down upon them.

On the last of August, 1793, Baron de la Carondelet, governor of Louisiana, wrote the Duke de la Alcudia, the First Spanish Secretary of State, informing him of the defenseless state of the country, that it was

beset by internal foes as well as external, and that he feared it would be lost to Spain if aid were not sent. He declared that the French inhabitants of Louisiana were ready to rise up in favor of France at the first opportunity: "It is whispered by some that within a few months the French will be here. For my part, I can affirm that if (which may God forbid) the armies of Spain and of her allies were to suffer any drawback, or if some four frigates were to present themselves here with 1200 French troops, there would arise a faction in this city (New Orleans) in favor of the Convention which would cause great havoc and perhaps the loss of the province." He called attention to the additional "fears inspired in us by the very disquieting movements of the Americans, settled in the West, against whom I cannot oppose sufficient forces in case of any hostility from them."<sup>1</sup>

The Spanish agents in Philadelphia on August 27, 1793, brought the attention of Secretary of State Jefferson to an expedition they claimed was being fitted out by Genet against Louisiana. Two days later the latter replied that he had informed the President of the charges and that he was "authorized to assure you that the President will employ all his power to restrain the citizens of the United States from the enterprise of the sort \* \* \* by preventing in general their sharing in any hostility by land or sea against the subjects of Spain or its dominions." Jefferson also informed the Spanish agents that he had called the attention of the governor of Kentucky to the matter "With instructions to watch with the strictest caution over any attempts that may be made there to incite the citizens of that state to take part in that enterprise or any other, making use of whatever means are in his power to prevent this."<sup>2</sup> The United States all along showed its desire to preserve a strict neutrality between Spain and France, with the result that it incurred the bitter hostility of Kentucky. The President was trying to negotiate a treaty with Spain during this period, and any other course than neutrality would have been fatal to the success of the negotiations.

But Jefferson's assurances to the Spanish agents, of a correct attitude on the part of the United States, did not serve long to quiet the apprehensions of the Spaniards in the face of alarming rumors and reports that were coming in every day. On October 1st, one of the French agents who had turned traitor, informed the Spanish Ambassador that LaChaise, De Pauw, and Mathurin were "the three men chosen and invested with authority for the expedition, which aims at nothing else than the destruction and devastation of the prosperity that reigns here." He declared that they were to solicit the sympathy and support of the dispossessed French and of the Americans living on the borders of the country and that Mathurin was "to build carriages for the transportation of the artillery, which are to serve also to set fire to the vessels in the different ports of the country." He then unfolded a wily scheme he declared LaChaise intended to work. It was the purpose of the latter, he declared, to get an introduction to "the governor of the city" to inform him "that he had been misled in following the spirit of the French Revolution; that he has today absolutely changed; that he hopes still to find in his country the consideration that will be due to the conduct which he will observe there." Having thus wormed himself into the favor and confidence of the Spanish offices, and thereby destroyed all suspicions, of his true character, LaChaise, according to the French informer, would then in the early spring (1794), if not sooner, organize an expedition to attack the outposts of New Orleans "and when once these are taken, he is to fire with hot shot upon the city, as he has told me and to bombard it in

<sup>1</sup> "Correspondence of Clark and Genet," 996-999.

<sup>2</sup> "Correspondence of Clark and Genet," 1005. As heretofore noted, Jefferson wrote Shelby on Aug. 29, 1793.

case he does not succeed in setting it on fire or in case the inhabitants refuse to yield to his will."<sup>3</sup>

As Clark and Genet continued their plans for the Louisiana expedition, the Spanish authorities accepted at face value the visionary schemes of the French enthusiasts. The Spanish agents acting as spies in New York City had little difficulty in learning what the French were planning. They assured Las Casas, the Captain-General of Cuba, under whose jurisdiction Louisiana came "that we are always on the alert to discover the wicked plots which our enemies are at every moment concocting here, and we will try to advise your Excellency on time as well as the other heads of the possessions of the King against whom they are directed."<sup>4</sup> But with all of their system of espionage, the Spaniards never knew just what to expect or when and where to expect it. Their agents in New York believed the main danger was to be looked for from the expedition which they believed was forming to float down the Mississippi. They recommended as the most efficacious means of opposing the evil designs of the French "and the one which they fear most, would be for the Governor of Louisiana to send up the river a small armed boat to cruise at the mouth of the Ohio and its vicinity and to arrest them on descending the Misisipi." They especially hoped by this method to succeed in laying hold of the leaders, a description of whom the French denunciator had supplied.<sup>5</sup> But the fear of the Mississippi River expedition subsided for a time as it became overshadowed by the supposedly impending attack on Louisiana by a French squadron, from the sea. In their dilemma of uncertainties, the Spaniards began to doubt the supposed French traitor, in his last revelation, in which he stated that the French squadron was bent on other errands and that it would not attack Louisiana. Carondolet believed that this Frenchman might be in the pay of Genet after all and that he was trying to deceive the Spaniards into believing that the French naval vessels would not attack Louisiana "so as to induce us to withdraw part of our galleys which guard the entry of the Misisipi. \* \* \*"<sup>6</sup> His doubts in the Frenchman were further increased by his insignificance and even more so since he "is satisfied with thirty-two dollars" for making certain hazardous journeys.<sup>6</sup> For these reasons, the Spaniards in the fall of 1793, looked for the main French attack from the Gulf of Mexico. For the time being they would take care of the up-river dangers by dispatching a well-armed galley which should cruise "between Nogales and Arkansas, which shall carefully inspect the flat-boats and barks it may meet" and imprison any French emissaries who might fall into its hands.

The fears of the Spaniards vacillated between the French squadron attacking from the sea and the expedition of Kentuckians and Frenchmen floating down the Mississippi. By the beginning of 1794, they had again turned their attention up the river, as being the quarter from which the attack would surely come. Gayoso, the governor of Natchez, had visions of a force of 500 men led by George Rogers Clark, marching down on Louisiana and sweeping everything before them. Carondolet declared that "If the project planned by the enemy is carried into effect, the whole of upper Louisiana from San Luis de Illinoia as far as Nogales (Vicksburg), that is, an extent of 380 leagues, will fall into the hands of the enemies in Spring, since the forces that can be collected for the defense of the forts of San Luis de Illinoia and of New Madrid do not amount

<sup>3</sup> "Correspondence of Clark and Genet," 1002, 1003. Pis-Gignouse to Spanish Ambassador, Oct. 1, 1793.

<sup>4</sup> "Correspondence of Clark and Genet," 1004, 1005. Viar and Jaudenes to Las Casas, Oct. 1, 1793.

<sup>5</sup> "Correspondence of Clark and Genet," 1005, 1006. Jaudenes and Viar to Las Casas, Oct. 1, 1793.

<sup>6</sup> "Correspondence of Clark and Genet," 1020. Carondolet to Gayoso, Oct. 29, 1793.

to 90 men of regular troops and 200 militia; and even these can be but little trusted." The fears of the Spaniards made the expedition seem as easy for their enemies as the enthusiasm of the Kentuckians and French had pictured it. Carondolet fought out the successful campaign in his imagination: "The project of the enemy is to profit by the artillery found in both forts to besiege Nogales next, and after taking it to fall upon this capital with all their forces and more than 40 pieces of canon which they will have taken from us on the upper river." Not content with imagining the French in possession of Louisiana, his flight of prophesy carried the conquering Frenchmen westward into the interior provinces. He declared to Alcudia that "the enemy extend their views much farther than the conquest of Louisiana, and hope soon to arrive at Santa Fe, having learned that they will not require more than 22 days to march from San Luis de Illinoia to that city of the interior Provinces; I do not doubt their success, if helped by the inhabitants of upper Louisiana and their Indians, who are well affected toward the French."<sup>7</sup>

Gayoso was informed, he declared, that the French had projected a fund of \$1,000,000 to carry the expedition to a successful completion. He also had information to the effect that artillery was to be smuggled over the Alleghanies in barrels. But the more practical Gayoso predicted the success of the French project upon a number of contingencies: "That the transportation of artillery be feasible; that the sum of a million dollars be realized; that the uneasiness of the American Government be not sufficient to obstruct this enterprise;" and that certain differences among the leaders should not come to the point of disrupting the expeditions.<sup>8</sup>

Beset with their fears, the Spaniards had recourse to a number of methods of warding off their impending dangers. As has been noted they made representations to the United States government to stop the war-like Kentuckians. Jefferson in different communications to Shelby referred to the charges the Spaniards had made, and warned the governor against allowing the Kentuckians to go against Spain. But the Spaniards were not willing to trust wholly in the good intentions expressed by the American Government. Since one of the chief sources of Kentucky opposition to the Spaniards was the restrictions they had placed on the navigation of the Mississippi, they decided that in this stress of Kentucky anger and exasperation, they should best relieve it by relaxing their restraints. Out of this fear alone, Carondolet removed the customary 15% duty: In a later dispatch to Alcudia, he declared that events had shown the wisdom of this action, the fact of which "would have hastened the hostile determinations of the same (Western settlements), inducing them perhaps to unite and help the French expedition of Gen. Clark which he tried to form on the Ohio, and which our partisans among the Kentuckians succeeded in dispersing."<sup>9</sup> Another course, however, had previously suggested itself, and was more truly in line with the Spanish method of dealing with such situations. This was secret intrigue, a fundamental part of Spanish policy in the West, as well as a specific remedy in this instance.

And when it came to looking for the master-hand, they naturally and instinctively turned to James Wilkinson, who had done valiant service for them previously. The fact that he was now a high officer in the American Army was an added inducement to secure him as a principal agent. This same fact was of no consequence to Wilkinson except as it might make him more sought after on account of the valuable informa-

<sup>7</sup> "Correspondence of Clark and Genet," 1027-1029. Carondolet to Alcudia, Jan. 1, 1794.

<sup>8</sup> *Ibid.*, 1029, 1032. Gayoso to Carondolet, Dec. 23, 1793.

<sup>9</sup> "Correspondence of Clark and Genet," 1070. Carondolet to Alcudia, July 30, 1794.



tion he could give and as it would thereby place a higher price on his services. For the past few years beginning with the success of the statehood movement in Kentucky which put an end temporarily to Spanish hopes, Wilkinson's services as an intriguer had been largely dispensed with. But mindful of his past efforts, even if they had not been successful, the Spaniards now turned to the man whom they knew was able to serve them best. It is doubtful whether the Spaniards had ever severed their relations with him entirely. They knew the West well enough to know that conditions were not so stable there, but that more secret intriguing would be necessary for Spain to realize her full ambitions, or, indeed, for that matter, to successfully hold what she claimed as her own. At any rate in the early stages of the French preparations in Kentucky for a descent on Louisiana (October, 1793), Carondolet wrote Gayoso to get into communication with Wilkinson and ask "him to advise us promptly by safe messenger of whatever may be concocted, either in Kentucky or in Cumberland, contrary to the interests of Spain."<sup>10</sup> Carondolet promised also to write Wilkinson to the same effect. Wilkinson was at the head of whatever influence and following the Spaniards had in Kentucky. His suave bearing and engaging personality had stood him in good stead in the days of Kentucky's struggle for statehood when he had built up a powerful following, unstable though it was. Statehood had largely dissipated any pure and steadfast Spanish party. But Wilkinson was still a person of influence among a certain class in the state, and a power not to be lightly turned aside. The French at the beginning of their project had recognized his influence there and had counted on winning him over to their side.<sup>11</sup> The Spaniards professed to believe that they could control a large and substantial element of the Kentuckians. Gayoso wrote Alcudia, after referring to certain advances Wilkinson had made that "Many individuals of the highest repute in Kentucky have likewise written me regarding this same subject, to which in general the sounder part of that country is favorable."<sup>12</sup> Humphrey Marshall, a bitter partisan of the day and an inveterate enemy of all foreign intrigues, placed the "Spanish Party" as one of the three party groups into which he divided the state. He declared it was "a small but persevering bond, like moles working in the dark; joining the Jefferson faction, the more effectually to oppose the Federalists, and to identify themselves with the infatuated multitude; who they were to have on their side, should they succeed."<sup>13</sup> If by the term, Spanish Party, it is to be understood as meaning a group of people willing to work for the separation of Kentucky from the American Union and its incorporation with the Spanish possessions, as a recognition of the genius of the people for such an arrangement, then such a party was non-existent in the state; for no American was so dead to political liberty and civic pride as to wish to submerge his political organization into Spanish tyranny and incapacity. That there were a few Kentuckians who were willing to sell their honor for Spanish gold and in return make the Spaniards believe they could accomplish the impossible also cannot be doubted. But the vast majority of those who might be called the Spanish party were merely Kentuckians who were willing to use Spain as a tool to secure by one way or another, rights that they claimed were theirs by nature and by compact. They were working for nothing more than were the great body of Kentuckians led by Governor Isaac Shelby, and with equal propriety designated as a French Party. As before intimated, those

<sup>10</sup> "Correspondence of Clark and Genet," 1020. Carondolet to Gayoso, Oct. 29, 1793.

<sup>11</sup> "Correspondence of Clark and Genet," 948, 952. Plan for Revolution in Louisiana.

<sup>12</sup> *Ibid.*, 1081. Gayoso to Alcudia, Sept. 19, 1794.

<sup>13</sup> Marshall, *History of Kentucky*, II, 188.

who fed at the Spanish treasury cannot be so considered. It should also be noted that the two parties never joined forces, or worked together in any way. The Spaniards, themselves, believed that the French enthusiasts in the Genet scheme had been largely frustrated by the Spanish adherents in the state.<sup>14</sup>

Regardless of the impossibility of accomplishing their task, the Spaniards moved forward in their attempts to separate Kentucky from the Union. This second active movement for such a purpose seems to have been suggested at least in part by Wilkinson, himself. After the Spaniards had seen with joy the collapse of the French enterprise they were now willing to listen to any scheme that might further their interests in the Mississippi Valley. On July 30, 1794, Carondolet wrote Alcudia, "If W—— [undoubtedly meaning Wilkinson] comes down at the end of November next, with two or three men of the highest consideration to this capital, as he promises, I will negotiate a treaty with them whose basis will be the separation of the Western States from the Atlantic States. \* \* \*" <sup>15</sup> This desire of the Spaniards to negotiate with the Kentuckians was hastened by the fear they felt from reports that were coming down the river. They believed the time had come when they must either win over the Kentuckians or be forced to fight them. The news of the famous thirteen resolutions passed at Lexington on the 24th of May, had reached them and gave rise to disquieting forebodings. Governor Carondolet declared that the "circumstances are urgent, as I do not doubt that they will begin hostilities at the end of the year, in case we have not them made a friendly agreement." <sup>16</sup>

Wilkinson was soon deep in his old game of intrigue. Events were playing into his hands again, all of which gave him added influence with Spanish officials in Natchez and New Orleans. In the fall of 1794, he had largely seized the initiative, urging an accord with the Kentuckians at once. In pursuance of this plot he "recently has sent two confidential envoys proposing to Baron Carondolet to renew the old negociation for establishing a connection between Kentucky and this province [Louisiana] which Baron de Carondolet has accepted, sending him 12,000 dollars as a beginning of said negotiations since it is the only means of ensuring the peace of this province, and even of the kingdom of Mexico, with many advantages which such an alliance offers." <sup>17</sup> According to this statement of Gayoso, Wilkinson was being paid for services he was rendering Spain as a spy and intriguer, and not for old tobacco shipments as has been claimed.<sup>18</sup> That he was willing to betray the movements of the United States army, or at least lead the Spaniards to believe he would, appears in this statement of Carondolet to the Captain-General: "However, I shall watch all movements which the army of General Wayne, reduced to about 800 men, may undertake, whereof W—— [undoubtedly referring to Wilkinson] will punctually inform me, as I have just had a letter from him on this subject in which he assures me that he will be informed of all that may be done relative to the same object." <sup>19</sup>

An event took place about this time which throws light on certain ramifications of the Spanish dealings with Wilkinson. Carondolet en-

<sup>14</sup> See "Correspondence of Clark and Genet," 934. Also *Ibid.*, 1070, Carondolet to Alcudia, July 30, 1794.

<sup>15</sup> "Correspondence of Clark and Genet," 1069. Carondolet to Alcudia, July 30, 1794.

<sup>16</sup> "Correspondence of Clark and Genet," 1069. Carondolet to Alcudia, July 30, 1794.

<sup>17</sup> "Correspondence of Clark and Genet," 1081. Gayoso to Alcudia, Sept. 19, 1794.

<sup>18</sup> Brown, *Centennial of Frankfort*, 17.

<sup>19</sup> "Correspondence of Clark and Genet," 1091. Carondolet to Alcudia, Nov. 1, 1795.

trusted the \$12,000, he had promised Wilkinson to two agents, Collins and Owens, to carry to him. The former conveyed part of it by sea to New York and succeeded in delivering it to Wilkinson in 1795. Owens proceeded with about \$6000 of the amount up the Mississippi on a Spanish galley to the mouth of the Ohio. There he transferred it to a pirogue, manned by a crew of six Spaniards, and proceeded with it up the Ohio. The cupidity of the Spaniards soon led them to murder Owens and seize the money.<sup>20</sup> One of the crew who refused to take part in the crime made his way back to New Madrid, where he reported the murder. News of what had happened soon filtered into Kentucky, with the result that three of the guilty five were arrested. They were taken before Harry Innes, the Federal district judge, for trial. Innes showed considerable reluctance in having anything to do with them. He declared they were Spanish subjects and that since the crime had been committed on the Ohio River outside the jurisdiction of Kentucky, he did not have the right to try them.<sup>21</sup> He disposed of the matter by sending them to Wilkinson at Fort Washington (Cincinnati) with the understanding that they would be sent back to the Spanish authorities for trial or most likely immediate execution. Wilkinson was naturally desirous of getting rid of them immediately, as the situation held the danger of exposing his intrigues. He dispatched them under military guard to New Madrid, where he expected the Spanish officers would promptly suppress all risk of exposure. When they reached Fort Massac, an effort was made by the commander there to determine the character of the prisoners. Unable to substantiate any of his suspicions, he discharged them.<sup>22</sup>

The attitude of Innes in dealing with the prisoners shows that he must have had some knowledge of Wilkinson's intrigues with the Spaniards. It does, not, however, show that Innes, himself, was implicated in the business. Should the trial have been held in Frankfort the result could not have been otherwise than a complete exposure of Wilkinson's latest Spanish dealings. And blame may be attached to Innes for not bringing this about. Perhaps the most that can be said against him was that he shielded Wilkinson, and showed that he, himself, knew much of what was going on. That he was guilty of receiving a Spanish pension as was later charged and not proved, cannot be substantiated. On the contrary the character and reputation he has left would largely vitiate any such charges.

During the winter of 1794-1795, as heretofore set forth, the United States Government had been busied in trying to conclude a treaty with Spain, which would settle among other points, the question of the navigation of the Mississippi. Washington had also informed the Kentuckians through the mission of James Innes to Governor Shelby, of the status of the negotiations. But the traditional policy of delay of the Court of Madrid had caused the transactions to move slowly, so slowly that the Kentuckians were again becoming impatient and exasperated at the Federal administration, which they were too prone to blame. Added to this were certain economic causes that were working with full force about this time. It happened that the crops were exceptionally good during the year of 1795, and amidst the blessings of a full harvest the unhappy condition of the people became more evident. According to Harry Innes, "in the fall of that year, a general murmur pervaded the people of this country respecting their crops, on account of having no opportunity of exporting their produce the ensuing season."<sup>23</sup> Despite the fact that the Home

<sup>20</sup> Innes MSS., Vol. 18, No. 36. Numerous affidavits on this affair are preserved in this volume. Marshall, *History of Kentucky*, II, 154, 155.

<sup>21</sup> Innes MSS., Vol. 18, No. 39.

<sup>22</sup> Roosevelt, *Winning of the West*, IV, 203, 204.

<sup>23</sup> *The Report of the Select Committee to Whom Was Referred the Informa-*

Government was at last seriously engaged in negotiating a treaty with the United States which must undoubtedly include a settlement of the Mississippi River question, the Spanish authorities in Louisiana seized upon the time as propitious for making a determined effort to use this question as a lever, before it should be lost, in detaching Kentucky from the Union. The negotiations that had recently been started with Wilkinson, while important, were not likely to lead to quick results, as his commission in the American army removed him from the center of affairs in Kentucky. It was, therefore, necessary that they throw out other lines immediately.

Realizing this necessity Carondolet in June, 1795, addressed a communication to Benjamin Sebastian, who was at this time one of the judges of the Kentucky Court of Appeals, in which he broached the subject of new negotiations concerning the navigation of the Mississippi. He promised to send Gayoso to New Madrid to meet any representatives Sebastian might designate.<sup>24</sup> Carondolet was so anxious to avoid every delay in setting the movement going that he wrote Sebastian again, before his first letter had been received, in which he stated that Gayoso would be in New Madrid by October, ready to begin the negotiations. He paid his compliments to Sebastian in the beginning of the letter in a rather incriminating manner: "The predecessor, Brigadier General Miro, and your former correspondence with him, have induced me to make a communication to you highly interesting to the country in which you live and to Louisiana." He then set forth the nature of the treaty he would have made. There was no mention of a desire to separate Kentucky from the Union but merely the fact that "His, Majesty, being willing to open the navigation of the Mississippi to the people of the western country, and being also desirous to establish certain regulations, reciprocally beneficial to the commerce of both countries, has ordered me to proceed on the business, and to effect, in a way the most satisfactory to the people of the Western country, his benevolent designs." On the face of such a communication nothing but good will and altruism seemed to stand out. Had Spain completely revived her long-standing policy, and was she now suddenly offering to give everything and receive nothing in return? There might have been an element of sincerity in the face value of this supposedly generous offer, due to the fear lately aroused in the Spaniards by the French enterprise and the war-like attitude assumed by the Kentuckians. But most likely the true significance was to be seen in this as merely a bait to a more deep laid intrigue, as indeed appeared two years later. Carondolet, in closing his letter, declared he was well acquainted by information "with the character of some of the most respectable inhabitants of Kentucky, particularly of Innes, Nicholas, and Murray, to whom I wish you to communicate the purport of this address; and, should you and those gentlemen think the object of it as important as I do, you will doubtless accede, without hesitation, to the proposition I have of sending a delegation of your countrymen, sufficiently authorized to treat on a subject which so deeply involves the interest of both our countries."<sup>25</sup>

Sebastian immediately brought this information to the attention of the Kentuckians mentioned, all of whom agreed with him "That, from the situation of the pending treaty between the United States and Spain, of which no communication had been received for nearly twelve months, and the uncertainty when it would terminate; that, it was a subject in

*tion Communicated to the House of Representatives charging Benjamin Sebastian, one of the Judges of the Court of Appeals of Kentucky, with having Received a Pension from the Spanish Government.* (Frankfort, 1806.) This is a pamphlet of 27 pages in *Innes MSS.*, Vol. 18, pp. 7, 8.

<sup>24</sup> Justice Winsor, *The Westward Movement* (Boston, 1897), 553.

<sup>25</sup> *American State Papers, Miscellaneous*, Vol. XX, Pt. 1, 926. Letter dated July 16, 1795.

which all the Western people were greatly interested; that, as it had excited great heat in the minds of the people of this country; that, as we had no power to appoint agents, to meet Colonel Gayoso, as was requested; that, under their existing circumstances, it would not be prudent to communicate the subject matter of the letter; yet that it was advisable to know what was the object of the Spanish Government upon that important subject."<sup>26</sup> The implication was, thus, left that in seizing the opportunity, they were not actually making a treaty but were intent on satisfying their curiosity as to what the Spaniards were about. As the letter was addressed to Sebastian it was declared that he was the proper person to go to New Madrid.

In this same period a certain renegade Irishman, Thomas Power, a master of the English, French and Spanish languages, a naturalized citizen of Spain and now passing as a wandering naturalist, appeared in Louisville. He had also spent the most of the winter of 1793-4 here.<sup>27</sup> In this, his latest visit, he was posing as a person deeply interested in bringing the Spanish murderers of Owen to justice. He was well known to Sebastian, and he was possibly preparing the way for Carondelet's advances. Sebastian on April 7, 1795, wrote John Breckinridge, who was the attorney-general of the state, enquiring into the possibility of his employing Power in the case, a gentleman, "who resides at New Madrid, who speaks the Spanish language fluently \* \* \* and who will willingly do everything in his power to have them [the murderers] brought to punishment, provided he is legally called on. As Mr. Power came to this Country for no other purpose but to contribute his assistance toward their condemnation, and as he is now living at considerable expense in Louisville, he wishes to know, by the earliest opportunity, whether his services & attendance will be necessary."<sup>28</sup> This may have been a feeler thrown out to Breckinridge to determine his attitude toward possible Spanish dealing. If so, it never came to anything.

But if Power was not now acting directly in connection with Carondelet's contemplated negotiations, he soon after assumed that role; for he appeared in New Madrid in the fall of 1795 with Sebastian.

Within a few weeks after arriving Sebastian had secured an amazingly liberal treaty from Gayoso. It was wholly commercial in its outward aspect, with no intimation of a political connection of any sort. But the unusual attitude of the Spaniards expressed in this treaty was an insidious move to later bring about a political accord with the Westerners and ultimate separation and probable union with Spain. The treaty began with the statement that "His Catholic Majesty having taken into consideration the relative situation of his province of Louisiana and its dependencies, and that part of the United States of America lying west of the Appalachian Mountains, and being of opinion that a commercial intercourse between the two countries will be productive of the harmony and reciprocal interest thereof, has been pleased to concede to the people of said Western country, during his pleasure, the following privileges." Then under five articles the provisions of the treaty were enumerated. The first question to be dealt with was the one of greatest importance to the Kentuckians, the navigation of the Mississippi River. This was fully and freely granted in the following clause: "The people of the Western country shall henceforth freely use, and exclusively enjoy, for the purposes of commerce, the navigation of the river Mississippi, and all the ports and places thereon under the Government of His Catholic Majesty, subject to the same regulations, and no other by which the

<sup>26</sup> *American State Papers, Miscellaneous*, XX, Pt. 1, 926. Affidavit of Harry Innes, given in 1806.

<sup>27</sup> *Innes MSS.*, Vol. 19, No. 46.

<sup>28</sup> *Breckinridge MSS.* (1795).

commerce of the subject of His Catholic Majesty is now governed." There was one exception to this full enjoyment: that instead of having to pay a 6% *ad valorem* duty on all goods imported into Louisiana and a similar duty on all goods exported, the Western settlers were to pay one duty of 4% *ad valorem* whether the goods were disposed of in Louisiana or reshipped to foreign markets. This concession was made because His Majesty was "willing to remove every obstacle to that friendly intercourse which he is desirous to establish and maintain with the said Western people."

In the next article an effort was made to forestall all hostile attempts against Spanish territory as well as to attract settlers there by throwing open the whole regions west of the Mississippi to immigrants on equal terms in every respect with the Spaniards. By the third article it was provided that when the Westerners could not "get a satisfactory market for their products in the province of Louisiana or its dependencies" they should be allowed to export them to any ports of the Spanish dominions beyond the seas, without the payment of further duties beyond the initial 4%.

To make sure that none except the inhabitants of the Western regions should enjoy these concessions, and to drive in a wedge that would separate the East and the West still more in sentiment and economic independence, article four stated that "it is explicitly declared that the importation of all articles of commerce, of what nature or description whatsoever which are not actually the production of the said Western country, is absolutely prohibited; and if any persons shall hereafter attempt, under any pretext whatsoever, to introduce into the province of Louisiana and its dependencies down the Mississippi, the products or manufactures of any other country (unless specially permitted by the Government), the same are hereby declared to be contraband, and liable to seizure." To cement still more strongly this inter-regional economic dependence, the last article declared that His Majesty would "cause a preference to always be given in his markets to the products of the Western Country, and therefore expects that the people of the said Western Country, acting under the influence of the same principle, will, in the purchase of such articles of commerce as they may need, whether foreign or domestic, prefer his market to any other. And, as a further inducement thereto, His Majesty, contrary to a long established rule of his Government, does henceforth permit the people of the said Western Country to carry out of his dominions whatever money may remain to them after completing their purchase, free from any duty or impost whatsoever."<sup>20</sup>

The success in securing such liberal concessions must have been an agreeable surprise to Sebastian. It at least showed him how eager the Spaniards were to come to an understanding with the Kentuckians, and emboldened him to demand certain changes. As long as there was any hindrance to the trade down the Mississippi at all, he felt that to that extent he would in the eyes of the Kentuckians fall short of their just expectations. He therefore, strongly objected to the remaining 4% duty that the Spaniards wished to retain. Gayoso resolutely refused to remove it; and so in order to settle the question they agreed to go to New Orleans to submit their differences to Carondelet. Shortly after arriving Sebastian was given a conference with the Spanish governor, which resulted in a reversal of Gayoso's position. Another meeting was arranged to complete the business; but before this took place, news was brought from Havana of the conclusion of a treaty between the United States and Spain. This put an end to further action as the duplicity of the Spaniards so persistently practiced up to this time, could not now be successfully carried further.

<sup>20</sup> *American State Papers, Miscellaneous*, XX, Pt. 1, 926, 927. *Innes MSS.*, Vol. 18, *Sebastian Report*, 9-11.

But Spain was willing to pay for past services and well as for future good will, and so at the instance of the Spanish king a pension of \$2000 a year was settled on Sebastian.<sup>80</sup>

Accompanied by Power he sailed in the spring of 1796 for Philadelphia. Feeling the sting of defeat for his high hopes he, without calling on any of the Kentucky delegation in Congress, continued his journey back to Frankfort.<sup>81</sup>

In the meantime Wilkinson had been playing a minor and rather inconspicuous part in this movement. His chief contribution was a letter to Carondolet containing certain advice that he would have followed. He believed Spain should immediately revive the commerce on the Mississippi as the best means of restoring confidence; that it should establish a post at the mouth of the Ohio against a possible attack of the English from Canada; that in order to get a stronger hold on Kentucky it should provide the capital for setting up a bank in that state with American directors, who would allay suspicions; and that it should give George Rogers Clark and his adventurers employment in the Spanish service.<sup>82</sup>

The knowledge that Jay had recently concluded a treaty with England, must have played an important part in causing Spain to suddenly agree to a treaty which she had been delaying for years. She had the strong suspicion and fear that the Jay treaty concluded an alliance between the two countries which might soon be followed by a joint declaration of war against France and Spain. When the fear of this danger had been somewhat dissipated, the Spaniards began systematically to prevent the provisions of the treaty of San Lorenzo from being carried out. Gayoso boasted that the Spaniards would never carry out the treaty, and Governor Carondolet soon seconded this sentiment by actions. The provisions on which the Spaniards would rise or fall in their efforts to block the treaty concerned the evacuation of the post of Natchez and the fixing of the boundary on the Thirty-first parallel.

In the fall of 1796 Andrew Ellicott, a famous mathematician of his day, who had been appointed to run the boundary line, started down the Ohio with his equipment. After being stopped by the Spaniards at New Madrid, Chickasaw Bluffs, and Walnut Hills (Vicksburg), he finally reached Natchez. Gayoso refused on one pretext and another to give up the fort, and for a time trouble was imminent. Finally in the spring of 1797, the post was surrendered and a beginning made toward running the boundary line.<sup>83</sup>

In the meantime Carondolet, while busy trying to thwart the treaty of San Lorenzo, turned his attention to Kentucky again as a last hope to stay the progress of the United States. Thomas Power was again made the medium through which the negotiations were to be carried on. In the summer of 1797 he arrived in Louisville "with a pack horse or Pack horses, and the general impression was that he had money for Sebastian & Wilkinson." Believing that he was a spy, two persons followed him on his departure, and when outside the city demanded of him to see his papers. This he readily complied with, showing them some documents written in French and Spanish, which neither one of his pursuers could read. They, however, ran across a record in English of his arrest and trial as a spy in Tennessee and his acquittal.<sup>84</sup> Being unable to satisfy suspicions, they allowed him to depart. But he succeeded

<sup>80</sup> *American State Papers, Miscellaneous*, XX, Pt. 1, 932. Affidavit of Thomas Todd, in 1806.

<sup>81</sup> *Ibid.*, 931. Affidavit of John Brown, in 1806. Gayarré, *History of Louisiana*, III, 358-364.

<sup>82</sup> Winsor, *Westward Movement*, 553, 554.

<sup>83</sup> Winsor, *Westward Movement*, 564, 567.

<sup>84</sup> *Innes MSS.*, Vol. 19, No. 47. Letter from D. Fitzburgh to Harry Innes, Dec. 11, 1807.

in carrying out his main purpose, which was to deliver to Sebastian a new set of propositions.

These proposals were as daring as the former treaty with Sebastian had been generous. Power in presenting them stated that Carondolet having communications of importance to Kentucky and the Western country in general "to make to its inhabitants, through the medium of the influential characters in this country, and judging it, in the present uncertain and critical attitude of policies, highly imprudent and dangerous to lay them on paper, has expressly commissioned and authorized me to submit the following proposals to the considerations of Messrs. S. N. I. and M. [Sebastian, Nicholas, Innes, and Murray] and also of such other gentlemen as may be pointed out by them, and to receive from them their sentiments and determinations on the subject." He then immediately developed plans for Kentucky separation from the Union. The above-mentioned men were to "immediately exert all their influence in impressing on the minds of the inhabitants of the Western country a conviction of a necessity of their withdrawing and separating themselves from the Federal Union, and forming an independent Government wholly unconnected with that of the Atlantic States. To prepare and dispose the people for such an event, it will be necessary that the most popular and eloquent writers in this State should, in well-timed publications, expose, in the most striking point of view, the inconveniences and disadvantages that a longer connection with, and dependence on, the Atlantic States must inevitably draw upon them, and the great and innumerable difficulties in which they will probably be entangled if they do not speedily recede from the Union; the benefits they will certainly reap from a secession ought to be pointed out in the most forcible and powerful manner; and the danger of permitting the federal troops to take possession of the posts in the Mississippi; and thus forming a cordon of fortified places around them, must be particularly expatriated upon." In consideration "of the time and talent" of the supposed propagandists, Carondolet promised to appropriate the sum of \$100,000. And as an additional inducement, should any of the persons promotitng this plot and holding a public office "and in consequence of taking an active part in indeavoring to effect a secession, shall lose their employments, a compensation, equal at least to the emolument of their office, shall be made to them by His Catholic Majesty, let their efforts be crowned with success, or terminate in disappointment."

Having in his mind thus led Kentucky out of the Union, Carondolet expected the new government to assume an active and belligerent attitude toward the United States, by immediately seizing Fort Massac and holding it. To assume the success of this move Spain would furnish the Kentuckians "without loss of time, with twenty field pieces, with their carriages and necessary appendage, including powder, balls, &c., together with a number of small arms and ammunition sufficient to equip the troops that it shall be judged expedient to raise." For the purpose of raising and maintaining these troops, another sum of \$100,000 was to be set aside.

In the third article one of the main purposes of Spain became evident. The Kentuckians were to agree to the boundary of West Florida contended for by Spain heretofore in her negotiations with the United States but relinquished in the treaty of San Lorenzo, viz.: the parallel of 32° 28' from the mouth of the Yazoo to the Tombigbee. But should there be Spanish posts north of this line, then the boundary should begin at the same point on the Mississippi but "drawn in such a direction as to meet the river Confederation or Tombigbee, six miles to the north of the most northern Spanish fort, post, or settlement on the said river." For thus generously agreeing to a breach of Spain's treaty with the United States, the Kentuckians were to be allowed all the territory north of this line except a small tract at the Chickasaw Bluffs. In this way Spain would



greatly strengthen her new ally in the west, adding Tennessee, and the northern parts of the territory later becoming the state of Mississippi and Alabama, with the above mentioned exception.

With the example of such arrogant audacity nothing hereafter suggested should be surprising. The fourth proposition embraced a promise to betray the Indians south of the Ohio with whom Gayoso had lately made treaties of alliance and friendships, provided they should ever commit hostilities against Kentucky, or even if the new government should at some future time want to extend its laws and authority over them.

The final article of these propositions was a disclaimer of the Spaniards to unduly influence the new government. It declared that "His Catholic Majesty will not either directly or indirectly interfere in the framing of the constitution or laws which the new Government shall think fit to adopt, nor will he at any time, by any means whatever, attempt to lessen the independence of the said Government, or endeavor to acquire an undue influence in it, but will, in the manner that shall hereafter be stipulated by treaty defend and support it in preserving its independence."

Power stated that these propositions were the outlines of a provisional treaty which Carondelet would like to enter into with the people of the Western country, and that if they were not agreeable in every particular, he would be glad to carry back a copy of their objections to New Orleans. As to the late treaty between Spain and the United States it had so convulsed and upset politics not only in Spain but elsewhere "causing a collision of interests between nations formerly living in the most perfect union and harmony, and directing the political views of some States towards objects the most remote from their former pursuits,"—in short, the treaty was so mischievous, that he could confidently assert, without any danger of presuming too much, that His Catholic Majesty would never carry it out. He was quick to add the assurance that the knowledge he had of the disposition of the Spanish Government justified him "in saying that so far from it being His Majesty's wish to exclude the inhabitants of this Western country from the free navigation of the Mississippi, or to withhold from them any of the benefits stipulated for them by the treaty, it is positively his intention, so soon as they shall put it in his power to treat with them, by declaring themselves independent of the Federal Government, and establishing one of their own, to grant them privileges far more extensive, give them a decided preference over the Atlantic States in his commercial connexions with them, and place them in a situation infinitely more advantageous in every point of view, than that in which they would find themselves were the treaty to be carried into effect."<sup>35</sup>

Soon after receiving this remarkable document, Sebastian began to sound out the other Kentuckians who were designated in the proposals. Murray was not consulted, as he had recently fallen from Spanish graces. It was also at first decided upon to consult others, not specifically mentioned in Power's communication, including Todd and Breckinridge; but this was not done.<sup>36</sup> The first direct move of Sebastian was to take a copy of the proposition to Innes' home to confer with him on the action that should be taken. Innes gave it as his opinion "that it was a dangerous project, and ought not to be countenanced, as the Western people had now obtained the navigation of the Mississippi, by which all of their wishes

<sup>35</sup> Copies of this letter and propositions, dated July 19, 1797, may be found in *American State Papers, Miscellaneous*, XX, Pt. 1, 928; *Innes MSS.*, Vol. 19, No. 42, which was an original draft; *Sebastian Report*, pp. 12-14, in *Innes MSS.*, Vol. 18; and in Marshall, *History of Kentucky*, II, 219, 223.

<sup>36</sup> Power's Report; *Ibid.*, 227.

were gratified."<sup>37</sup> Sebastian agreed with Innes, but observed that it would be proper to find out what Nicholas thought about it, and that he would concur in whatever decision was made. Innes a few days later called on him and was given the immediate answer that the proposition was disgusting and abhorrent. Nicholas at once prepared an answer which was to be forwarded to Sebastian for delivery to Power.<sup>38</sup>

The answer follows:

"Sir, We have seen the communication made by you to Mr. Sebastian.

"In answer thereto we declare unequivocally that we will not be concerned either directly or indirectly in any attempt that may be made to separate the Western Country from the United States. That whatever part we may at any time be induced to take in the politics of our country that her welfare will be our only inducement and that we will never receive any pecuniary or other reward for any personal exertion made by us to promote that welfare.

"The free navigation will always be the favorite object with the inhabitants of the Western Country: but if this should not be the case, it appears to us that it must be the policy of Spain to encourage by every possible means the free intercourse with the inhabitants of the Western Country. As this will be the most effectual means to conciliate their good will: and to obtain without hazard and at reduced prices those supplies which are indispensably necessary to the Spanish government and its subjects."<sup>39</sup>

Power expected also to obtain valuable aid and support from Wilkinson who had succeeded to the command of the United States Army in the West on the death of Wayne, and after his conversations with Sebastian he proceeded on to Detroit for a conference. It was believed at the time that he had a considerable amount of money in his possession; and the charge was later made that Wilkinson received \$10,000, which had been brought up the Mississippi concealed in sugar barrels and coffee bags.<sup>40</sup>

Power attempted to make a strong plea to his ambitions and pride. He told of how the West was built by one vexation and another, chief among which was the hated excise taxes and threw out the rhetorical question: "Can a man of your superior genius prefer a subordinate and contracted position as the commander of the small and insignificant army of the United States, to the glory of being the founder of an empire—the liberator of so many millions of his countrymen—the Washington of the West?"<sup>41</sup>

But Wilkinson had become fearful of the exposure of his duplicity. He seemed to be greatly annoyed at Power's visit, and received him coolly. He, according to Power, "exclaimed very bitterly, 'we are both lost, without being able to derive any advantages from your journey.'" Wilkinson then declared that the governor of the Northwest territory had lately received orders to arrest him, and that the only way for him to escape was to permit himself to be hurried away to New Madrid. As to the proposals made to Sebastian, Wilkinson declared that they were chimerical, and that the West had already obtained what it wanted and was satisfied. He declared that sentiment in the West was more likely to demand an attack on the Spaniards rather than a friendly accord with them. But Wilkinson's petulance and impatience with Power was not due to a stroke of true patriotism for his own country, but rather to the fact that he considered the time ill-chosen for their new proposals. He stood true to his

<sup>37</sup> Innes' Affidavit (1806), in *American State Papers, Miscellaneous*, XX, Pt. 1, 927.

<sup>38</sup> Affidavit of James Morrison (1806). *Ibid.*, 943.

<sup>39</sup> The original copy in the handwriting of Nicholas is preserved in *Innes MSS.*, Vol. 19, No. 41. Copies are also in *American State Papers, Miscellaneous*, XX, Pt. 1, 929, and in Marshall, *History of Kentucky*, II, 223, 224.

<sup>40</sup> Gayarré, *History of Louisiana*, III, 364, 365.

<sup>41</sup> *Ibid.*, 364, 365.

past record by stating that he expected to be appointed governor of Natchez shortly, and that then he would be in a better position to renew the negotiations.<sup>42</sup>

In his position at that time he was the commander of an army which was imbued with the honor and patriotism of its late commander, Wayne, and no doubt for this reason, also, Wilkinson was deterred from further action at this time.

Rebuffed on all sides Power concluded that the days of further intrigue with Kentucky were past. He reported to the Spanish officials of Louisiana that the very actions of Spain had destroyed the confidence of the Kentuckians in her, that they had no assurances that while they might be making our treaty, the cabinet in Madrid might be making another "very different from what they may have agreed to here." "Experience," he declared, "has taught them to their misfortune, that this is not a mere conjecture."<sup>43</sup>

It is true, indeed, that Kentucky had now grown out of that stage of discontent and fancied neglect in which plots and intrigues could thrive. This last attempt never commanded the slightest possibility of success, and the fact that it was made at all, shows how obtuse the Spaniards were to the real sentiments in the West. The reaction of Innes, as well as of Nicholas, had been so clear and decisive that neither one was seen by Power.<sup>44</sup> This had its effect on Sebastian. He advised Power to immediately leave the state.<sup>45</sup> Nicholas had, after dictating the answer to Power, declared that the Spanish Government had been misinformed as to the "views, disposition, and intentions of the citizens of Kentucky" and that he believed that the answer given "would prevent a similar application; but that should he be mistaken, he was determined to have Power, or any other person who might again be sent by the Spanish Governor, apprehended and detained as a prisoner, until the Executive was fully apprized of all the circumstances; and that he had taken care Power should be correctly informed of such determination."<sup>46</sup>

Wilkinson's attitude as heretofore noted was based entirely on the inopportune times, which he believed might so change later as to make it possible to revive the intrigue. But from now on he gradually drifts away from Kentucky affairs, ceasing to try to involve that state further in Spanish plots. However, he found it impossible to break away from the lure of Spanish gold and intrigue. He played a double rôle in the Burr scheme, and engaged in other mysterious dealings, which brought on investigations from the Federal Government. He was, however, never proved guilty of his long career of conspiracies and double-dealings; and died many years (1825) later in a land befitting the life he had led, Mexico City.<sup>47</sup>

The changing alliances in Europe with their fears and aspirations made out of the West during this period (1796 and 1797) a power which successive nations tried to secure. The Jay Treaty had not only left Spain uneasy, but it also set France to thinking and plotting. Events were now gradually drawing these two nations together, chiefly on account of the fact that they were about to become common enemies of England. Fauchet had in February, 1795, declared that the only way to offset the Jay Treaty was to acquire Louisiana. But this was not to be done as

<sup>42</sup> Power's Report in Marshall, *History of Kentucky*, II, 226.

<sup>43</sup> Power's Report in Marshall, *History of Kentucky*, II, 227.

<sup>44</sup> Innes MSS., Vol. 19, No. 49. Letter from E. Randolph to Cary Nicholas, Oct. 19, 1807.

<sup>45</sup> *Ibid.*, No. 81. Letter from J. Fowler to Harry Innes, Jan. 4, 1808.

<sup>46</sup> Affidavit of James Morrison (1806), in *American State Papers, Miscellaneous*, XX, Pt. 1, 934.

<sup>47</sup> For a short sketch of his life, see *National Cyclopaedia of American Biography*, I, 56, 57.

Genet had previously attempted; rather Spain was to be convinced that it was to the common interest to cede it to France.<sup>48</sup> In the spring of 1796, Adet, who had succeeded Fauchet as French minister to the United States, sent as his chief agent into the West, General Collot. This was another effort to detach the people west of the Alleghenies from the United States with the ultimate hope of joining them to Louisiana under France. He was instructed to call to the attention of the Western leaders again the fact "that the interests of the eastern and western parts of the United States were in collision, that the period was not distant when a separation must take place, and the range of mountains on this side of the Ohio was the natural boundary of the new government, and that in the event of separation the western people ought to look to France as their natural ally and protector."<sup>49</sup> Collot was also to make a military reconnaissance, and while doing so to influence the people as much as possible by advocating the election of Jefferson to the presidency. He passed into Kentucky and saw John Breckinridge and others. But the United States issued orders to Governor St. Clair of the Northwest Territory to arrest Collot and any other spies he could.<sup>50</sup> Collot's adventure never produced any tangible results.

In October, 1796, Spain declared war on England, and immediately the protection of Louisiana became the concern of the Spanish officials. For a time they feared that a British expedition might march down from Canada, and it was partly due to this fear that Spain had refused to carry out her treaty obligations to the United States, by evacuating the post of Natchez.

To add another element to the criss-cross of intrigue going on in the West at this time, William Blount of Tennessee, and others, including a Colonel Whitley of Kentucky, were plotting with the Cherokee Indians to attack New Orleans in the interests of the British who were to send a fleet up the Mississippi to subjugate Louisiana.<sup>51</sup> This plot was soon exposed and Blount was expelled from the United States Senate.

With the failure of their different schemes, the various foreign nations largely ceased their efforts at further interference with the territorial integrity of the United States. Proof indisputable was gradually dawning upon them that the West was now past the stage when such things were possible. Washington, in his Farewell Address in September, 1796, offered the West wise counsel. He recalled to the East that it "had good markets in the West for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable *outlets*, for its own productions to the weight, influence and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate or unnatural connection with any foreign power, must be intrinsically precarious."

He declared that the inhabitants of the Western country had seen "in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the *Mississippi*; they have been witnesses to the formation of two treaties,

<sup>48</sup> Fish, *American Diplomacy*, 130.

<sup>49</sup> Fish, *American Diplomacy*, 131.

<sup>50</sup> Winsor, *Westward Movement*, 560, 565.

<sup>51</sup> Winsor, *Westward Movement*, 568.

that with Great Britain, and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the *Union* by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?"<sup>52</sup>

Kentucky was yet to have more excitements on Western rights and territory, and was still to run the hazards of another grandiloquent Western Scheme; but the danger that Washington's sound advice, which was largely unnecessary, would be disregarded was small.<sup>53</sup>

<sup>52</sup> Spark, *Writings of Washington*, XII, 219, 221.

<sup>53</sup> Thus it will be seen, in all the Spanish intrigues, Kentucky was made the pivot around which all their plots revolved. There was no political entity west of the Alleghanies with which they would deal, or which possessed such a commanding influence, and to the firm position taken by the Kentucky leaders may be credited that solidarity that marked the first years of our National existence.

## CHAPTER XXXIII

### CONQUERING THE NORTHWEST INDIANS: THE CAMPAIGNS OF HARMAR, ST. CLAIR, AND WAYNE

The influx of settlers into the West carried with it a thousand possibilities for hostilities between the whites and Indians. The recent campaigns of Clark, Logan, and others, instead of having settled anything, had in fact aggravated the situation. Hostilities had never ceased from the days of the Revolution; the indulging animosities were those that grew out of two peoples attempting to possess themselves of the same country. The immediate causes and course of this intermittent warfare varied little throughout the whole period. A marauding band of Indians attacked a cabin or a small group of settlers, and carried away a few scalps, a prisoner or two, and drove away all the horses they could secure. The news spread, and soon a small company of frontiersmen were on their trail. Often they were overtaken, a fight ensued with the result that a few Indians were made to pay with their lives, and the horses and prisoners generally recovered. This led to a retaliation, and thus the process continued.

These raids came from the South as well as from the North. The Cherokees made forays into Kentucky in the Southeastern mountains, where they waylaid the immigrants coming in over the Wilderness Road. The greatest dangers, however, lay in the regions north of the Ohio. The Kentuckians in 1787 engaged in no less than four punitive expeditions against the various tribes of Indians: John Logan went against the Chickamaugas into Tennessee; Colonel Robert Todd marched on the Scioto tribes; Major Oldham led a company up the Wabash; and Captain Hardin engaged tribes in other regions.<sup>1</sup> Such expeditions were generally the result of spontaneous uprisings of incensed settlers; and hence were little different from private warfare. And even when they had the aid and official sanction of the county lieutenants, their character was little changed in the eyes of the Virginia government and of the United States. The impetuosity and effectiveness of the Kentuckians in their counter raids brought forth reprimands and criticisms from both of these sources.

In 1787, Edmund Randolph, Governor of Virginia, wrote Harry Innes the attorney-general for the District, that he "had reason to believe that the late Hostilities committed upon the Indians, have roused their resentment. It is the duty of Government to prevent and punish, if possible all unjust violences. I beg leave therefore to urge you to institute the proper legal inquiries for vindicating the infractions of peace."<sup>2</sup> Innes and other Kentuckians had previously shown their attitude on the subject in connection with the demand from Virginia that Clark should be punished for his expedition against the Wabash tribes in the previous year. It was difficult for the Kentuckians to understand why they were not to be allowed to protect themselves, especially so since Virginia and the National Government in their belief showed little interest in affording that protection.

<sup>1</sup> Green, *Spanish Conspiracy*, 84, 85. Harry Innes to Edmund Randolph, July 21, 1787.

<sup>2</sup> *Innes MSS.*, Vol. 19, No. 39. Dated May 1.

But reprimands and demands for punishing the offenders had little effect. An Indian attack south of the Ohio almost invariably carried with it a return visit from the Kentuckians. In 1790, the Governor of Virginia, Beverly Randolph, addressed the county lieutenants of Nelson County, declaring that news had reached him of an invasion carried on against the friendly tribes north of the Ohio. "As conduct like this is highly dishonorable to our national Character, and will, eventually, draw upon individual delinquents, the punishment due to such offenses, it becomes our duty to enjoin you, to exert your Authority to prevent any attempts of this kind in the future." He gave explicit instructions that under no circumstances should another expedition be carried into the regions north of the Ohio.<sup>3</sup>

The Federal Government had been lately exerting itself toward composing the Indian difficulties, and it was with considerable impatience that it saw the Kentuckians upsetting all of its plans. In July, 1787, Congress ordered the Superintendent of Indian Affairs or Harmar to repair to the Indian country and find out the difficulties between the Wabash Indians, Shawnees, and other tribes with the Kentuckians, and to conclude a treaty if possible. It also ordered a strategic grouping of United States troops on the frontier, and called for one thousand Kentucky militia to join the regulars.<sup>4</sup> This make-shift of concluding treaties with the Indians was kept up for almost a hundred years to follow, before the Federal Government was persuaded that the policy would not work. Outside of the practice of treaty-making, the United States Government had no Indian policy then or for many years afterwards. Plans and policies were various; and whatever so-called policy existing at any given time was not likely to last long. In 1790, John Brown wrote Innes of a plan that had been suggested to him. In the first place the United States should increase its power and prestige in the eyes of the Indians as well as the Western settlers by increasing the number of military posts and regular troops along the Ohio. Persistent efforts should be made to bring all of the Indian tribes into treaty relations with the Federal Government. Then trade should be established with them "under proper regulations & upon such liberal principles as to supply them with goods & upon better terms than they can procure from the British or Spaniards & thus establish peace upon the foundation of Interest and friendly intercourse."<sup>5</sup>

The feeling of the Federal Government and of Kentucky on the question of protection from the Indians had long been divergent—even from the end of the Revolution. To the Kentuckians the reminiscences of the former in affording that protection was proof sufficient that it would retard the development of the West as much as possible.<sup>6</sup> The lack of protection from Virginia, as before noted, had been one of the major complaints of the Kentuckians against the Virginia authorities, and a principal cause for their desire for separation. In 1787, the Virginia governor was informed by his attorney-general for the District of Kentucky, Innes, that the Indians were so intolerable that Kentucky would likely revolt and become independent, "for, under the present system, we can not exert our strength, neither does Congress seem disposed to protect us."<sup>7</sup>

Innes, who was the chief spokesman for Kentucky on the question of Indian protection, was a bitter critic of the policy the Federal Government was pursuing. In a communication to John Brown in 1788, who

<sup>3</sup> *Innes MSS.*, Vol. 19, No. 112. Dated March 10.

<sup>4</sup> *Innes MSS.*, Vol. 19, No. 109.

<sup>5</sup> *Innes MSS.*, Vol. 19, No. 6. Dated April 27.

<sup>6</sup> On this subject see K. W. Calgrove, *The Attitude of Congress toward the Pioneers of the West from 1789 to 1820* (N. MP., N. D.), 89, 114. Also see Innes to John Breckinridge, Dec. 7, 1787, in *Innes MSS.*, Vol. 28.

<sup>7</sup> Green, *Spanish Conspiracy*, 85. Dated July 21.

was at this time Kentucky's representative in Congress, he spoke of the feeble efforts of the United States in protecting the frontier, which consisted chiefly of paper promises. "Do these resolutions & instructions on paper secure the lives and property of our citizens—," he asked. "Doth the sending of those official papers afford us Protection—Hath any measures been adopted by Congress since the Peace with Great Britain to restrain the merciless savages?" He declared that the lives of hundreds of people had been lost and thousands of pounds of property destroyed. "The first principle of Society is mutual protection. This we have never received from any quarter—Not even an aiding hand from Congress the Supreme Executive of the Union, whose troops under proper regulations might have secured to us, Peace and Happiness, & incurred no more expense than they now daily do lying in idleness in detached posts on the Ohio. The position of troops on the Ohio, and the conduct of the commander seem only to evince to us that those troops never were intended for our protection, but to prevent Settlements on the Federal lands."<sup>8</sup>

The Federal authorities were not slow in blaming the Kentuckians as being the chief offenders. This attitude was largely based on reports from the United States Indian agents who were accused by the Kentuckians of being notoriously unjust and hostile to the Western settlers, dealing in misinformation from every angle.<sup>9</sup> The Indians, themselves, also told their "Great Father" stories of the ferocious Kentuckians, whom they feared above all other frontiersmen. The chief of the Wabash and Illinois Indians informed Jefferson that "Your people of Kentucky are like mosquitos, and try to destroy the red men. The red men are like mosquitos also, and try to injure the people of Kentucky." Some time later the same tribes referred again to their fears of the Kentuckians in one of their "talks": "Father,—We fear the Kentuckians. They are not content to come on our lands to hunt on them, to steal and destroy our stocks, as the Shawnees and the Delawares do, but they go further, and abuse our persons. Forbid them to do so."<sup>10</sup>

Supplied with charges both from the Indians as well as from the Indian agents the Federal authorities were inclined to side against the Kentuckians, especially in the case of the Wabash tribes. Secretary Knox informed Washington in 1789 that there had been no peace between these tribes and the Kentuckians since the end of the Revolution. He charged that "The injuries and murders have been so reciprocal, that it would be a point of critical investigation to know on which side they have been the greatest." He accused the Kentuckians of making no distinction between friendly Indians and hostile ones. "Some of the inhabitants of Kentucky," he declared, "during the year past, roused by recent injuries, made an incursion into the Wabash country, and, possessing an equal aversion to all bearing the name Indians, they destroyed a number of peaceable Piankeshaws, who prided themselves in their attachment to the United States."<sup>11</sup>

It cannot be said that all Kentuckians held that the Indians had no rights to lands, and that they should be dealt with best by being extirpated. The Danville Political Club debated in the very midst of these Indian hostilities: "Is the exclusive right of the Indian tribes to the extent of territory claimed by them founded on the laws of nature and of nations, and can they consistent with said laws be divested of such right without their consent?" This group of Kentucky statesmen declared that the

<sup>8</sup> *Innes MSS.*, Vol. 19, No. 1. Dated April 4.

<sup>9</sup> Letter from Innes to Henry Knox, Secretary of War, July 9, 1790. *Ibid.*, No. 114.

<sup>10</sup> *The Writings of Thomas Jefferson (Library Edition)*, XVI, 379. Dated Feb. 1, 1791, and Feb. 1, 1793, respectively.

<sup>11</sup> *American State Papers, Indian Affairs*, I, 13. Dated June 15. Doubtless a reference to Hardin's expedition in the summer of 1788 up the Wabash.



Indians were secured in their rights and that they could not be divested of them without their own consent.<sup>12</sup>

Since the end of the Revolution, Virginia had not been very active in giving aid for the defense of the District of Kentucky. It was a heavy drain on her impoverished finances to give what little support she actually did afford. Being merely so many counties of Virginia, Kentucky had her county lieutenants, who were at the head of the local militia companies, and who were supposed to give the ordinary protection that any other part of the state enjoyed. But Kentucky was the most exposed part of the commonwealth, and had a right to expect additional protection. The county militias were frequently called out for short terms, as for instance when two companies were sent in February, 1787, to defend Limestone on the Ohio and certain exposed frontiers of Fayette County. When longer terms of services were required, it was made most difficult to supply the want, due to the inherent distaste of the frontiersman for garrison duty and other prolonged periods of military life. In order to keep a constant force for the defense of the Cumberland Gap and the Wilderness Trail, the plan was hit upon of alternating a force of thirty men among the counties of Mercer, Madison, and Lincoln.<sup>13</sup> In 1788, conditions were so perilous that 366 men were called out for an indefinite period and a special force of 66 for scout duty.

Kentucky's exposed position was recognized by Virginia to a certain extent in the organization of a permanent body of scouts to patrol the different counties. Muter and Innes wanted a further recognition through the appointment of a board of four Indian Commissioners who would have oversight of the Indian relations of Kentucky. But nothing ever came of this proposition due to the Governor's refusal to act. In fact Virginia was so anxious to be relieved of the expense and trouble of protecting Kentucky that immediately on the the Federal Constitution going into effect, she ordered the county lieutenants to disband the organization of scouts and rangers, and in case of further Indian troubles to "give as early information of them as possible to the officer commanding the Continental post on the Ohio, nearest the point of attack."<sup>14</sup> But this did not prove satisfactory, and in order to meet the clamor of the Kentuckians, the Federal Government restored the scout service in 1790, allowing four to a county and bearing the expense of the service. The Kentuckians apparently convinced Secretary of War Knox that this was insufficient protection, for in July of the same year he issued an order to the county lieutenants allowing them in times of great danger, to call out not over fifteen men to the county, the expense of which was to be borne by the United States.<sup>15</sup> After a short while the scouts or rangers were finally disbanded by St. Clair.

With all these changes of responsibility and military organization in the West, there was no improvement in Indian relations or in the constantly growing signs of Indian Hostility.

As previously stated, Innes was constantly reminding the Federal Government of the endless succession of Indian outrages the Kentuckians were suffering. In a letter to the Secretary of War, Knox, in the summer of 1790, he estimated that since the end of the Revolution over 1500 people had been killed by the Indians in Kentucky or on their way thence, that 20,000 horses had been stolen and other property plundered and destroyed

<sup>12</sup> Speed, *Political Club*, 118, 120.

<sup>13</sup> Cotterill, *Pioneer History of Kentucky*, 224, 227.

<sup>14</sup> Copy of order in Marshall, *History of Kentucky*, I, 352, 353. Even after Kentucky had become a state, certain of her citizens expected protection from Virginia, and so petitioned, claiming that the Federal Government was impotent to afford aid. *Virginia State Papers*, IV, iv.

<sup>15</sup> *American State Papers, Indian Affairs*, I, 102, 103. Dated July 17; Innes MSS., Vol. 19, No. III.

to the value of £15,000. He gave the Federal Government to clearly understand that Kentucky's patience was almost to an end. He predicted that "Volunteer expeditions will be carried on into the Indian countries upon the principle of *revenge, protection, and self-preservation*, and Government will not be able to counteract them; and the volunteers \* \* \* will not discriminate between the Indians who are hostile and those who have treated." All of which, he declared, would destroy the former efforts and accomplishments of the Federal Government in arriving at a peaceful accord with the Indians.<sup>16</sup> About the same time the county lieutenants of Fayette, Woodford, and Mercer counties in a joint communication to the Secretary of War declared, "We almost every day receive accounts of their [Indians] horrid murders on our defenceless frontiers (which entirely surrounds us), and the taking of horses and other property to the ruin of a number of families."<sup>17</sup>

Indian depredations were not only taking place in Kentucky, but hostilities were becoming more frequent throughout the Ohio Valley. The course of this river from Pittsburg to the Mississippi was beset by the marauding bands. The British were keeping a close connection with the Northwest Indians and it was generally believed that they were inciting the hostilities. Often boats filled with settlers, floating down the river, were attacked from ambush; and in some instances the Indians swarmed out in their canoes to grapple with their prey. A ruse worked on the unwary and unsuspecting immigrants was to entice them to steer to the bank to take on a white who in distress beckoned to them from the shore. This person was most likely a prisoner of the savages made to assume this attitude while they lay in ambush; and when the unsuspecting boatmen reached shore they were either killed or made prisoners and plundered of all their belongings.<sup>18</sup> For the better protection of travel on the river, a considerable number of flatboats, popularly known as "Kentucky boats," would band together and proceed as a flotilla. The women and children occupied the boats in the center of the formation, while the men filled the outer ones for defense.<sup>19</sup>

Conditions were becoming so intolerable that even the Federal authorities in the West began to suggest a campaign as the only remedy. The main sources of disturbance were Indians on the Wabash and on the Maumee. Governor St. Clair, in speaking of the former, stated in a communication to President Washington that the constant hostilities between these tribes and the Kentuckians created embarrassing circumstances to the Government of the Northwest Territory, and that he should like the Federal Government to take the matter into consideration, and inform him what course he should pursue. He then portrayed the situation: "It is not to be expected, Sir, that the Kentucky people will or can submit patiently to the cruelties and depredations of the savages—they are in the habit of retaliation, perhaps without attending precisely to the nations from which the injuries are received. They will continue to retaliate, or they will apply to the Governor of the Western Country (through which the Indians must pass to attack them) for redress; if he cannot redress them (and in the present circumstances he cannot), they also will march through that country to redress themselves, and the Government will be laid prostrate." He called attention to the fact that treaties had recently been made with several of the nations, and that if the Kentuckians should fall upon them, "which is likely enough to happen, very bad consequences may follow; for it must appear to them that the United States either pay

<sup>16</sup> *American State Papers, Indian Affairs*, I, 88. Dated July 7.

<sup>17</sup> *Ibid.*, 87, *passim*. Dated April 14, 1790.

<sup>18</sup> Roosevelt, *Winning of the West*, Part III in the Works of Theodore Roosevelt, 396, 397.

<sup>19</sup> Roosevelt, *Winning of the West*, III, 386. (Works of Theodore Roosevelt.)

no regard to their treaties, or they are unable or unwilling to carry their engagements into effect," and he predicted the result would be that these nations would join the hostile ones as "prudently preferring open war to a delusive and uncertain peace."<sup>20</sup>

In response to this continual clamor of the West for protection Washington sent a message to Congress in September, 1789, advising that provision be made "for calling forth the militia of the United States for the purpose stated in the constitution, which would embrace the cases apprehended by the Governor of the Western Territory." These reassurances quieted the Kentuckians for a time; but, they in the meantime began to make preparations on their own account. Secretary Knox was not greatly moved by the pleas of the Westerners. He was not nearly so sympathetic to the views and problems of the frontiersmen as was Washington. In January, 1790, he agreed with the President that Kentucky should be protected; but he suggested that "as there seems to have been such a prevalence of hostilities as to render it uncertain who are right and who are wrong," efforts should first be made toward bringing them to reasonable terms before a war of extermination be begun on them."<sup>21</sup>

Events were fast leading toward a climax. In the early part of 1790 a band of fifty-four Indians, principally Shawnees and Cherokees, established a camp at the mouth of the Scioto. From this point of vantage they carried on attacks against the settlers. There was a high rock on the Kentucky side of the river which was used by them to scan the river in both directions. Besides hanging along the river, they soon fell upon a newly-built station, about twenty miles from Maysville, and captured or killed all the occupants to the number of fifteen.<sup>22</sup> The Kentuckians became greatly aroused at this nest of pirates and marauders, and were soon begging Harmar to march against them. In April (1790), he set out with one hundred regulars, joined by two hundred and thirty Kentucky volunteers under General Charles Scott, and was soon in the Scioto country. But his movements soon became known to the Indians, who fled before his approach. A part of Scott's forces ran across a straggling band, and succeeded in killing four of them.<sup>23</sup> Outside of this encounter, little else was accomplished and virtually no effect was produced on the Indians.

A more general movement had already been in contemplation. Toward the end of 1789, Washington had instructed Governor St. Clair to call upon Virginia for a thousand militia and upon Pennsylvania for five hundred. Contemplating a wide area of hostilities, St. Clair ordered the militia in Western Pennsylvania and Virginia to protect the upper Ohio, while General Harmar marched up the Miami against the Maumee settlements. Major Hamtramck at Vincennes was ordered to go against the Wabash tribes.

The main expedition under General Harmar was soon made ready. A nucleus of regular troops consisting of three hundred and twenty men began in the middle of September preparations to march. They were soon joined by one thousand one hundred and thirty-three militiamen from Pennsylvania and Kentucky. The Governor of the former state was somewhat slow in furnishing his quota. The Kentucky militia more than doubled the number from Pennsylvania. This was in fact largely a Kentucky expedition. Her military leaders were highly regarded by the Federal authorities. At the outset of the preparations Secretary

<sup>20</sup> *American State Papers, Indian Affairs*, I, 58. Dated Sept. 14, 1789.

<sup>21</sup> *American State Papers, Indian Affairs*, I, 60. Dated January 4.

<sup>22</sup> *American State Papers, Indian Affairs*, I, 87, 88, 91.

<sup>23</sup> Roosevelt, *Winning of the West* (Works of Theodore Roosevelt), 396, 398; Collins, *History of Kentucky*, I, 22.

Knox advised Harmar to try to induce if possible Benjamin Logan and Isaac Shelby to accompany the expedition as volunteers, as "they would have a powerful influence over the militia." He also suggested to Harmar that he "treat them with great cordiality."<sup>24</sup>

There was a fear generally with the War Department that the Western militiamen were rather untrustworthy and likely to prove unruly. This fear was borne out in this instance in the very beginning. The militia demanded the right to choose their own leader, and threatened mutiny if their wishes were not granted. Undoubtedly the logical officer was Colonel John Hardin, a Kentuckian of more than local fame as a military leader. But the militia would have none other than Colonel Trotter, a less able fighter. Harmar yielded. Misgivings could not help but arise when he looked at his motley army, amply large enough for its purpose, but composed of many ineffectives, beardless youths, who knew not even the mechanism of their firelocks, and old men tottering on their last legs. This was particularly true of the Pennsylvania.<sup>25</sup> Of course, the regular troops were up to the standards of the day. But the character and efficiency of the United States troops had been lowered on account of the neglect and niggardly policy pursued by the Government.<sup>26</sup>

By the end of September, Harmar, was ready to proceed with his forces from Fort Washington, where his preparations had been carried on. The British in Canada were ill at ease in viewing this movement, which they interpreted as perhaps an effort that had as its ultimate purpose the seizure of the Northwest posts. Despite the disclaimer made by the United States, Lord Dorchester still had his doubts and fears and urgently called on his home government for four thousand additional troops.<sup>27</sup> Harmar began his march rather leisurely, with the main result that the Indians learned of his approach long before he arrived. Finally on October 17th he reached their villages at the forks of the St. Mary and St. Joseph rivers, where they form the Maumee (or Miami of the Lakes.) These towns consisted of about three hundred huts and wigwams, surrounded by gardens and corn fields. Entering upon these deserted huts, Harmar ordered their destruction, together with twenty thousand bushels of corn that was found stored away.

On the following day Colonel Trotter was given a command of three hundred men and ordered to explore the regions around about. He soon ran upon two Indians who were killed by the advanced horsemen, but during the process of the operation the militia officers created considerable confusion. Angered at this, Harmar relieved Trotter of his command and gave it to Hardin.

The next day Hardin started out with about two hundred militia, most of them Kentuckians, and thirty regulars. The militiamen became sulky, and about half of them deserted and returned to camp. With the remainder he continued the march, and within a short time ran into a body of a few hundred Indians, who ready and expecting the invaders, opened fire. The militia was thrown into consternation, and fled, Hardin with them, without offering resistance. The regulars with a few militia, who chose to fight received the full force of the attack. Only two officers and half dozen privates escaped.

This defeat greatly dispirited Harmar's forces, who had now begun their march back to Fort Washington. But Hardin, still believing that he could defeat the Indians, begged to be given another force to try again. Hoping to have some victory to report, he allowed a detachment of four

<sup>24</sup> *American State Papers, Indian Affairs*, I, 101. Dated Sept. 3, 1790.

<sup>25</sup> McMaster, *History of the People of the United States*, I, 598.

<sup>26</sup> Hall, *Sketches of the West*, II, 141, 150.

<sup>27</sup> Winsor, *Westward Movement*, 418, 419. The British greatly exaggerated Harmar's forces.

hundred men, sixty of whom were regulars, commanded by Major Wylls and Colonel Hardin, to return for a fresh attempt. In the confusion of the fight that soon followed upon an encounter with the Indians, the regulars, who were marching in a separate column, were fallen upon by the savages, and almost annihilated. In the meantime the militia, in disregard of orders, had followed a smaller party of warriors, and had killed or scattered them. Hardin now led back his victorious militia, after having beat off an attack of the main body of Indians following their victory over the regulars. Still believing in his ability to deal with the enemy, he tried to persuade Harmar to allow him to try his fortunes again, but without avail.<sup>28</sup>

Harmar now marched back to Fort Washington with little but defeat to report. He had lost seventy-five regulars and one hundred and eight militia killed or missing. In the meantime, Hamtramck had ravaged some Indian villages on the Wabash but had encountered no Indians. This campaign was a failure all around in respect to solving the Indian difficulties. No advantage had been gained which could be used in making a treaty, and Harmar, by not following the desires of Secretary Knox to build and garrison forts in the Indian country, had lost whatever benefit that would have come from occupation. A treaty in this stage of the process of subjugating the Indians would have been futile, for as Hamtramck wrote St. Clair: "The people of our frontiers will certainly be the first to break any treaty. The people of Kentucky will carry on private expeditions and kill Indians wherever they meet them, and I do not believe there is a jury in all Kentucky that would punish a man for it."<sup>29</sup>

On account of their failures, which seemed due to bad management, Harmar and Hardin were given a hearing before a court-martial which, however, honorably acquitted both. The former, conscious of his lack of success, soon resigned from the army; the latter went back to Kentucky where he was received as a "brave and active officer." The prevailing opinion here was that the militia had acted well its part, and that failure was largely due to ineffective leadership. In fact, Washington, himself, has favorably commented on the Kentucky militia, declaring that their "enterprise, intrepidity and good conduct are entitled to peculiar commendation."<sup>30</sup> There was a feeling among many of the Kentuckians that they knew best western conditions and methods of fighting the Indians, and that they ought to be given special recognition of this fact. In line with this, they sent a petition to President Washington demanding that regular officers should not be sent to command in the West. Innes in the summer preceding Harmar's campaign voiced the sentiment that Kentuckians were not being given a fair chance. He wrote Knox: "The people say they have long groaned under their misfortunes, they see no prospect of relief, they are the strength and wealth of the Western country; all uneasiness which have been attempted, are placed (for execution) in the hands of strangers, who have no interest among them; they are the general sufferers and yet have no voice in the business; they are accused as the aggressors, and have no representative to justify. These are the general sentiments of the people, and they begin to want faith in the Government. \* \* \*"<sup>31</sup>

Washington, who always had a sympathetic understanding of the

<sup>28</sup> For accounts of campaign see *American State Papers, Indian Affairs, I, passim.*; Roosevelt, *Winning of the West* (Works of Theodore Roosevelt), III, 399, 407; Winsor, *Westward Movement*, 415, 421; and McMaster, *History of the People of the United States, I, 598-600.*

<sup>29</sup> Winsor, *Westward Movement*, 420, 421.

<sup>30</sup> Richardson, *Message and Papers of the Presidents, I, 104.* Third Annual Address, Oct. 25, 1791.

<sup>31</sup> *American State Papers, Indian Relations, I, 88.* Dated July 7, 1790.

West, discussed the situation with Secretary Knox of the War Department, and John Brown, the Kentucky representative. The desire of the Kentuckians that virtual authority be relinquished by the management of the military affairs in the West manifestly could not be satisfied. A compromise was made by which a Board of War was to be appointed, which should have the power to call out the local militia for warfare against the Indians, and to act in conjunction with regular troops. This board was composed of Shelby, Logan, Scott, Innes and Brown, an excellent combination of civilians and soldiers.<sup>82</sup> To be commander of the United States Army of the West, Governor Arthur St. Clair was appointed over the protests of Brown and many other Kentuckians.

The Kentucky War Board soon began to make use of its authority, which amounted in fact to a right to do those very things the Federal authorities knew the Kentuckians would do whether they were allowed to or not. It ordered an invasion of the territories of the Wabash tribes, whom Kentucky had long contended with and whom Hamtramck's recent expedition had affected little more than to exasperate. In this action there was the evident desire and expectation of showing the Federal Government what the militia under Kentucky management could do in comparison with Harmar's defeat. This expedition was agreed to by Knox, who saw in it a division against the Kickapoos and other Wabash tribes, while St. Clair was preparing for a major campaign. In May, 1791, a call was made for volunteers, and eight hundred mounted men were soon ready, under the command of Scott and Wilkinson, to march up the Wabash. Reports of the expedition had caused many of the Indians to escape; but there was considerable skirmishing, in which a few dozen Indians were killed and a somewhat larger number made prisoners. After burning the villages, Scott retreated southward and crossed the Ohio at Louisville, having been gone about a month, and having lost not a single man at the hands of the enemy.<sup>83</sup> Kentucky was greatly elated over this success, and the wish was expressed that the weather had permitted terror and desolation to be carried to the very head of the Wabash.

Having succeeded in their first war move, the Kentucky board decided to send another expedition into the Wabash country. Wilkinson was given the command, and with over five hundred mounted Kentuckians, he set out on August 1, (1791), from Fort Washington, after having received on the preceding instructions from St. Clair. He marched northwest to the Eel River region, burned several villages, one of which had one hundred and twenty houses, cut down four hundred and thirty acres of corn, and otherwise harried the Indian country.<sup>84</sup>

These more or less desultory forays of Scott and Wilkinson were mere details of the main campaign, which St. Clair was preparing. The National Government, after Harmar's defeat, seemed determined to crush the Indians and force a peace with them that would secure much of the Northwest country for settlement. Congress ordered the enlisting of two thousand men for six months' service at the ridiculously small pay of \$2.10 a month. The result was that a worthless class of people was attracted into the ranks; and this at a very slow rate. St. Clair was also instructed to build forts as he progressed in order to secure the country permanently, and to supply them with garrisons. It was the expectation of the Government that three thousand troops would be ready at Fort Washington early in July.

A call was made on Kentucky for a thousand men. But the Kentuckians were by no means enthusiastic. They had developed a strong aversion against the leadership of Federal commanders; and St. Clair

<sup>82</sup> Collins, *History of Kentucky*, I, 22, 273.

<sup>83</sup> Winsor, *Westward Movement*, 424; Collins, *History of Kentucky*, I, 22.

<sup>84</sup> *Ibid.*, 23; Winsor, *Westward Movement*, 427.

was especially unpopular among them. They were also not in favor of this large-scale campaign; but rather trusted in the quick forays, such as Scott and Wilkinson had been making. The result was that no volunteers came forward. Christopher Greenup expressed to the Kentucky War Board the opinion that the attempt to enforce a draft would be a failure, as the Virginia militia law had been repealed in Kentucky, and the Federal Government had enacted none. For these reasons, he believed, the people who were ordered out, could not be punished for disobedience, and "if they cannot it will be in vain to attempt a Draught."<sup>35</sup>

The preparations at Fort Washington went on slowly. The levies from the upper Ohio regions were late in arriving, and the collecting of munitions and provisions suffered delay. As the raw troops arrived, they were sent to Fort Hamilton, which was begun in September, and to which St. Clair moved his headquarters. But the time that should have been given to training, had almost elapsed; as the expedition was already long behind the schedule. The start was finally begun in early October.

The Indians were bold and cunning. During the year they had attacked and wiped out the settlement at Big Bottom, about forty miles up the Muskingum from Marietta; and had even dared to attack the town of Cincinnati under the very walls of Fort Washington. Alexander McKee, a British agent, had assembled the various tribes in July and advised them to make peace with the Americans only upon the terms consistent with their honor and interest.

With St. Clair's forces slowly laboring along through the wilderness at the rate of five or six miles a day, the Indians kept themselves well informed as to their movements. On the 13th (of October) a halt was made for the erection of another fort, which was named in honor of Jefferson. Difficulties beset St. Clair on every side. He himself was too sick and infirm to properly direct affairs, and General Richard Butler, his second in command, was little better. The six-months men, whose enlistments dated from various times, were thinning every day as the term of their service expired. The Kentuckians, who had been forced into the service, were sullen and disobedient, and kept up a steady stream of desertions. Finally on the last day of October, when deep in the Indian country sixty Kentuckians deserted in a body. Such defections could not go without attention; St. Clair dispatched one of his two regiments of regulars under Hamtramck to keep the deserters from at least interfering with his baggage and provision train. To add to these unfortunate happenings, St. Clair in direct disregard of Washington's anxious orders and warnings to guard against surprise, advanced with practically no scouting service. The thought seemed not to have entered his mind that he might be attacked.

On the 3rd of November, he reached a small tributary of the Wabash, and pitched his camp for the night. His force had now been reduced to about fourteen hundred men, due to desertions and to his unfortunate diversion of the regiment of regulars under Hamtramck. The great majority of the Kentuckians who had begun the march had by this time quit.<sup>36</sup> The following morning, before sunrise, an undetermined number of Indians suddenly attacked an out-lying group of militia, driving them in upon the main forces. Support was immediately organized, but the Indian fire became so general from every direction that soon utter confusion reigned. The Indians carried on an incessant fire from behind the trees and dense growth that surrounded the camp. St. Clair showed great bravery in passing up and down the lines urging his men to the attack. His forces fought at times with conspicuous bravery, delivering

<sup>35</sup> *Innes MSS.*, Vol. 19, No. 123. To Innes, Shelby, and Logan, June 22, 1791.

<sup>36</sup> Only two hundred and fifty remained out of the thousand drafted. Collins, *History of Kentucky*, I, 273, 274.

a heavy fire from flint-lock and cannon; but their fire was ineffective as the enemy was well protected behind trees and logs, and the smoke of battle soon made accurate aim impossible. The Indians took special pains to pick off every cannoneer, and as the battle line swayed back and forth, they at times held possession of the cannon. The Americans delivered bayonet charges against the Indians when they appeared in the open, which sent them scurrying back to cover only to renew their deadly fire.

St. Clair soon seeing that the day was lost ordered his troops to cut their way out of the deadly circle for the purpose of beginning a retreat. The attack was so spirited that the Indians momentarily stood non-plussed, and the move was a success. The retreat now became a rout. The Indians followed for about four miles, and then returned to the battle-field to pillage and scalp. St. Clair reached Fort Jefferson the same day, a distance that had required ten days on the outward march.

The defeat was crushing and complete. Out of the fourteen hundred troops engaged, almost half were killed and only a very few remained unhurt. General Butler and Colonel Oldham, who led the Kentucky militia, were among the slain. General St. Clair had horses repeatedly shot from under him, and his clothing was pierced in eight different places, without his body being touched. The effect of this disastrous defeat was profound. When St. Clair's messenger reached Washington with the official report the President went into a spasm of rage and fury. He paced up and down the room bitterly criticizing St. Clair and blaming him for not properly protecting his force by scouts. "He went off with that last solemn warning thrown into his ears," exclaimed the President; "and yet to suffer that army to be cut to pieces, hacked, butchered, tomahawked, by a surprise, the very thing I guarded him against! O God. O God, he's worse than a murderer! How can he answer to his country?"<sup>87</sup>

In January of the following year Wilkinson with a hundred and fifty mounted men went to the scene of St. Clair's defeat, and gathered up the remains of the dead and buried them. The sight was still gruesome, as the Indians after their scalping and plundering had left the field to wild animals and the elements.

Washington had considerable difficulty in choosing a successor to St. Clair. After some time he decided upon "Mad Anthony" Wayne, whom he considered more daring than cautious. Wayne took up his first headquarters near Pittsburg, where he set about systematically training the raw levies that were being raised in different parts of the country. As they were of the same class that had made up St. Clair's army, Wayne determined that much training would be necessary before they should be ready for service. The British had noted with considerable trepidation Wayne's appointment, knowing his nature and remembering his record in the Revolution. They had the fear, not wholly idle, that he might carry the war against the posts occupied by the British in the Northwest and thereby precipitate a general war between the two countries.

The Federal Government, although preparing for a vigorous campaign against the Indians if absolute necessity demanded it, was intent on making peace if possible. In the spring of 1792, Colonel John Hardin accompanied by Major Alexander Trueman was sent out to arrange a treaty. But they had not gone far into the hostile country, before they fell upon some Indians who savagely murdered these messengers of peace despite the

<sup>87</sup> For the St. Clair campaign see Winsor, *Westward Movement*, 427-430; McMaster, *History of the People of the United States*, II, 68 pages; Collins, *History of Kentucky*, I, 23, 273, 274; Roosevelt, *Winning of the West* (Works of Theodore Roosevelt), IV, 41-74; *St. Clair Papers*, II, 286, *passim*, *American State Papers, Indian Affairs*, *passim*.



fact that they had made their intentions known and had displayed a white flag.<sup>38</sup> In the face of this treachery, the attempt was not given up to conclude a peace. In the following fall (1792), Rufus Putnam succeeded in making a treaty with the Wabash and Illinois tribes. In May of 1793 further attempts were made to conclude a peace with all the Northwest tribes and the Six Nations. But Brant, the Iroquois chief, with his British advisers, counselled the Indians against such a course. The attitude of the British as shown in the character of their influence over the Indians, was making the situation very dangerous, with little possibility of war being averted. Lord Dorchester, the Governor of Canada, made his celebrated speech to the Indians, in which he, while speaking of the boundary, said: "Children, since my return I find no appearance of a boundary remains; and from the manner in which the people of the United States push on and act and talk \* \* \* I shall not be surprised if we are not at war with them in the course of the present year; and if so a line must then be drawn by the warriors." He declared they had "acted in the most peaceable manner and borne the language and conduct of the people of the United States with patience; but I believe our patience is almost exhausted."<sup>39</sup> In the face of such advice, peace was impossible.

But still the United States was not of one mind in making war. The West yet had its distrust and criticism of the Federal commanders, and many of the Easterners were willing to let the West fight its own wars without further impoverishing the already depleted treasury. Oliver Wolcott had declared "These western people are a violent and unjust race in many respects, unrestrained by law and consideration of public policy."<sup>40</sup>

In May, 1793, Wayne moved his headquarters down the Ohio to Fort Washington and established his camp nearby. He brought with him twenty-five hundred regulars who had gone through with valuable training during the past winter. In fact, before accepting the command Wayne had made it a point that he be given time for properly training his forces. As it now seemed possible that the march might be made against the hostile tribes before winter, a requisition was made on Governor Shelby for a thousand mounted riflemen. The Kentuckians were still actuated with very little enthusiasm for this expedition, and so it was impossible to fill the quota with volunteers. A draft produced the required number, which marched for Fort Washington, reaching there in October. But as the season had advanced too far for a campaign that year, the Kentuckians were dismissed until the following spring.

In the winter of 1793, Wayne moved his army to a point about eighty miles above Fort Washington and set up a post which he called Fort Greenville. Soon after this fort had been established as an outpost in the Indian country, a detachment of ninety regulars was surprised by a party of Indians and scattered, with about a dozen captured. As spring approached, Wayne made preparations for a general advance hoping to bring on a general engagement with the Indians. He was delayed for a long time on account of the late arrival of the necessary provisions. In July the mounted Kentuckians who had been dismissed for the winter arrived under their commander, General Charles Scott. Among the regular troops was Captain William Clark, a brother of George Rogers Clark, who was afterwards to lead the exploring expedition to the Pacific with Captain Lewis. Wilkinson also held a command.

<sup>38</sup> Collins, *History of Kentucky*, I, 23; Roosevelt, *Winning of the West* (Works of Theodore Roosevelt), IV, 76.

<sup>39</sup> Roosevelt, *Winning of the West* (Works of Theodore Roosevelt), IV, 86; Fish, *American Diplomacy*, 83.

<sup>40</sup> Winsor, *Westward Movement*, 435.

During the latter part of June the Indians made a determined attack upon Fort Recovery, which Wayne had recently built as an outpost on the very field where St. Clair had suffered his defeat. After considerable fighting they were beaten off by the garrison, consisting of about two hundred men. This defeat in which at least twenty-five had been killed, discouraged the Indians and tended to cause their forces to disintegrate. Wayne's mode of marching also gave them little comfort. His troops progressed with due caution against a surprise, protected by an adequate scout service.

Wayne pushed on down the Maumee to the point where the Au Glaize empties into it, and there ran into the hostile Indian villages. The population fled without offering opposition. Wayne now secured his advantages by constructing Fort Defiance not far from a British fort on the rapids which had been recently set up there without the slightest regard for the rights of the United States. From his point of vantage, Wayne now sent a final offer of peace to the Indians. The warriors dressed in their war regalia showed no strong disposition to treat; and their request for Wayne to delay his march for ten days proved to him their desire not to treat but to gain an advantage.

Wayne discreetly declined to be drawn out thus, and ordered his troops to advance to within a few miles of the British fort. On August 20, with about three thousand regulars and militia Wayne gave battle to between fifteen hundred and two thousand Indian warriors composed of contingents from the various Northwestern tribes and of certain French, English and renegade Americans. The scene of the conflict had been in time past visited by a cyclone, which had torn and twisted the trees in great confusion over the ground. Wayne so deployed his troops as to make best use of the surroundings. He also made effective use of his cavalry, even on such unfavorable ground. The Indians were early thrown into confusion, and within forty minutes they were fleeing for the protection of the British fort. So quick was the action that only the first line troops succeeded in getting into the fight, and in fact less than a thousand of the Americans all told were engaged. Wayne lost thirty-three killed and about a hundred wounded; the Indian losses were at least two or three times as heavy. The Americans had won a signal victory at Fallen Timbers, as the battle came to be called.

Wayne followed the Indians almost to the gates of the British fort, which, however, offered no succor to the fleeing savages. He had no great amount of patience with the British who had had the audacity to set up this fort in American territory. In fact Secretary of War Knox had written Wayne that if in the course of his "operations against the Indian enemy, it should become necessary to dislodge the party at the rapids of the Miami [of the Lakes] you are hereby authorized, in the name of the President of the United States, to do it."<sup>41</sup> Backed up with such orders Wayne was in no mood to dally with the British. The day after the battle Major Campbell, who was in charge of the fort, sent a messenger to enquire what was meant by this carrying on the fight under the very shadows of his Majesty's flag. Wayne gave a spirited reply in which he declared that he thought the battle spoke for itself; and in turn, he enquired of Campbell why the British were building forts and otherwise encroaching on American territory. He closed his reply by demanding that the British surrender the post. Campbell answered with the explanation that he could do that only through orders from his superior and with the threat that if the Americans continued to insult the

<sup>41</sup> Fish, *American Diplomacy*, 83, 84. On Wayne's Campaign, see Winsor, *Westward Movement*, 434-460; Roosevelt, *Winning of the West* (Works of Theodore Roosevelt), IV, 75-126; *American State Papers, Indian Affairs, passim.*, Collins, *History of Kentucky*, I, 24, 280, 281.

British flag and should come within the range of his guns he would fire upon them. Wayne showed his contempt by consuming three days in ravaging the country and burning the trading posts up to the very walls of the fort. He then began his march up the river, sweeping the country for miles on each side of the stream.

The Indians were now so completely subdued in their spirit and ardor for more warfare that despite the efforts of the British agents to dissuade them from making a treaty with Wayne, they began to long for peace. Wayne marched back to Fort Defiance where he remained for a few weeks and then continued to the junction of the St. Mary and St. Joseph rivers, where he destroyed the Indian villages and cornfields and built another fort which was named for himself. Here the Kentuckians, who had become dissatisfied after the fighting seemed to be over, were mustered out as their term of service had expired. Leaving a garrison in the new fort, Wayne marched to Fort Greenville where he took up winter quarters, and awaited the arrival of the Indian chiefs for a treaty. The hostile tribes had come to largely distrust their British allies, who had made many promises, but had never fulfilled them. In November the Wyandots sent a representative and during the following January ambassadors from the various other tribes arrived. There were some difficulties at first in beginning the negotiations, as small bands of Kentuckians were still slipping across the Ohio and carrying out forays against the Indians. At length in the summer of 1795, the formal treaty of Greenville was definitely agreed upon. The Indians gave up about twenty-five thousand square miles of territory north of the Ohio lying north and east of the mouth of the Kentucky River.

The rapid expansion of the settlements in the Northwest was now assured. The name of "Mad Anthony" Wayne carried a wholesome fear and respect with the Indians for years to come, and they dared not break the peace in a large fashion until the preliminaries of the second war with Great Britain ushered in hostilities with Tecumseh. The part Kentucky had been playing in the development and defence of the West was signally recognized by President Washington in giving Governor Shelby complete control over the defensive protection of the state.<sup>42</sup> The heroic period in Kentucky frontier history had come to an end for a period; and Indian battles and campaigns were fought at the firesides with a generation which knew as yet little of the actualities of warfare, but was destined to repeat deeds of daring in finally crushing the hostile tribes east of the Mississippi and removing forever the disturbing elements of British agents and ambitions.

<sup>42</sup> Knox to Shelby, May, 1795: "Gen. Wayne has been written to not interfere with the defensive protection of Kentucky, which is hereby, in the name of the president of the United States, confided to your excellency. . . ." Collins, *History of Kentucky*, II, 719.

## CHAPTER XXXIV

### THE SECOND CONSTITUTION

The elements that entered into the general population of the state were varied. Classes ranged from the large plantation owners to tenants and slavery. In a new population gathered from many quarters, as this was, solidifying influences and processes had not yet gone far. Differing in wealth, origin, and status in society, Kentuckians must of necessity have differed in their views of the power and duty of the state government on which each looked as a source of material advantages. Government must not only embrace proper political theories but it must also produce tangible results profitable to the individual. In so far as the government failed in these things, it fell far short of individual expectation and consequently gave rise to dissatisfaction. Liberties fought for and won, but which were expressed only in high-sounding phrases and political axioms, were not often all liberties worth while. Government must be practical if valuable.

There was early a feeling that the Kentucky government was not meeting the real needs of the people generally, that it was in the hands of the few, and that it was principally run for their benefit. The cry of aristocracy arose in many places. Among a certain class, the constitution had never been popular, and so from the very beginning the voice of discontent was heard. The convention that framed the document was attacked for engaging in the work of legislating. It was claimed that by setting forth in the constitution the method of selecting the permanent capital, the convention had improperly taken upon itself the prerogative and duty of the legislature. The constitution generally, it was argued, was too aristocratic in its tendencies. The governor owed his election not to the people directly but to a group of electors who were aristocrats. The senate was elected in the same way, and was a stronghold of aristocracy. The people had been hoodwinked into believing that they were the rulers and that all of their rights and liberties had been secured in a bill of rights attached to the constitution; but, in fact, the document proper largely nullified these theoretical liberties.<sup>1</sup>

The senate was attacked as being far from the people and wholly out of sympathy with them. In connection with the body of electors who had given it its being, it was developing into a dangerous Oligarchy. It often rewarded electors by appointment to office, thus tending to perpetrate the power of each group. The authority possessed by the senate of electing its own speaker was nothing more or less than the right to elect the governor of the state, one degree removed; for did not the speaker of the senate succeed to the governorship upon the death or incapacity of the incumbent. Such power lodged in the upper branch of the law-making body was declared to be dangerous. Too often had this body of aristocrats shown its contempt for the people at large and their welfare. It had time and again opposed the calling of a constitutional convention, which might possibly take away some of its intrenched powers; and it had also steadily refused to pass bills enacted by the house whose purpose was to

<sup>1</sup> Arguments of "A Plain Republican," in *Kentucky Gazette*, June 8, 1793.

alleviate the hard condition of the Green River settlers. On the contrary, though, it had passed a bill, fortunately killed by the house, which would have robbed the people of Green River lands, by selling them outright to a group of speculators for \$250,000.<sup>2</sup>

The constitution was not only clearly bad in many of its parts, it was argued, but it was in fact dangerous in places because of its obscurities. The recent disputed election for the governorship, which was the very first time the part of the constitution concerning that subject was tested, came near bringing on great confusion and disorder, solely because the factions could not agree as to the meaning of the document on that subject. These dangerous obscurities should be cleared away, and to bring this about, a convention should be called to remake the constitution from beginning to end. It must be liberalized; the direct power of the people over their government must be increased; and the spirit of progress which was so evident in other fields must be given a chance in constitutional development.

The first constitutional convention had shown the feeling that its work was in a way experimental. It had therefore provided that the people should vote in 1797 and again in 1798, and if a majority were found in favor of a convention, then, the legislature should call one in 1799. But at any time two-thirds of the house senate could call a convention without the necessity of the people voting on the subject. The demand for a convention arose in some quarters almost as soon as the constitution had gone into effect; and little regard was shown to the constitutional provisions regarding the subject. In 1794 the Democratic Society of Bourbon County stopped discussing the Mississippi River question long enough to issue a bitter denunciation of the senate and of the constitution in general and to recommend to the voters that they vote for a convention at the next election, despite the fact that no such power was to be found in the constitution or in the laws of the legislature.<sup>3</sup> The house, it is true, had passed a bill during the preceding session allowing the people to express their opinion on the expediency of a convention at the next election, but the senate had refused to concur in it. Arguments soon appeared in which it was claimed that the house alone represented the people, and that the vote should be taken regardless of what the senate should do or refuse to do. One enthusiastic supporter of a new convention advised the people to write "For Convention" on their ballot, and expressed the hope "that the sheriffs will prove more faithful and friendly to their country than a self-created body of men, who perhaps, are different of losing power they may not again possess."<sup>4</sup>

As time went on the movement became more persistent and widespread. It gathered up all the discontented elements, regardless of what the source of their complaint was. The more conservative classes began to take fright and to imagine that an attack was forming against the very fundamental principles of government. Many people believed that there was danger of the mob capturing the convention, should one be held, and proceeding to interfere with the rights to private property by dividing up the large estates and by emancipating all the slaves. John Breckinridge, who had amassed a small fortune since he had come to the state, became one of the principle protagonists of the conservative party. In answering a "Voter" who had been trying to bring on the convention, he declared it was all an attempt to confiscate the large estates and to free the slaves; that it was an effort to destroy the so-called "aristocracy." He puts the query, "Are you a large land holder?" and answered it "I sus-

<sup>2</sup> Butler, *History of Kentucky*, 262; Marshall, *History of Kentucky*, II, 182, 183.

<sup>3</sup> *Kentucky Gazette*, April 12, 1794.

<sup>4</sup> Reuben Searchy, in *Kentucky Gazette*, March 1, 1794.

pect not, or you would scarcely be willing to endanger them in an attempt to rescind our compact with Virginia." He continued, "Are you a slave holder? No, I will give you my right hand if you are. This is the Canker that preys upon you. This is what produces all your bellowings about conventions, conventions. This is what stirs up your envy, wounds your pride and makes you cry out *aristocracy*. \* \* \* And where is the difference, whether I am robbed of my house by a highwayman, or of my slaves by a set of people called a convention."<sup>5</sup>

In answer to the arguments of the conservatives against a convention, Breckinridge's antagonist, "A Voter," attempted to allay their fears. "The man of landed property is told, he declared, "that *agrarian laws* will be passed; and the slave holder is alarmed by the fear of *immediate emancipation*." He pronounced all such fears as senseless and only trumped up to becloud the real issue of necessary reform. He asked whether any citizen had "brought forward a proposition for emancipation." Does any rational man or men of influence, wish for an immediate liberation of the slaves. If there are some (and doubtless there are many) who think slavery a crime; who think it contrary to the laws of nature, and to those principles for which we contended in the late glorious revolution; they are sensible that it ought and must be gradually removed. \* \* \* He strongly resented the idea which some enemies of reform had advanced that the people generally had not the sense and understanding necessary for making a constitution. "By whom was the present constitution made? By yourselves. Have any of the enlightened few by whom this system was formed, abandoned your country?"<sup>6</sup> William Warfield declared to Breckinridge that the foregoing subtle propaganda was "an artful and uncandid piece, and well calculated, I fear, to execute a foment in the minds of those who have hitherto been lukewarm in respect to the calling of a convention."<sup>7</sup>

A veritable war of hand-bills and pamphlets raged during the years of 1798 and 1799. The *Kentucky Gazette* and the *Kentucky Herald* were crowded with articles from both parties. Almost all other discussion during these years was subordinated to the arguments for and against the convention. As the battle of words continued and waxed hotter, the fears of the conservatives increased. John Breckinridge wrote Isaac Shelby, "If the envious, the discontented or the needy, can, at any time they may take a fancy to any of the property of their fellow-citizens; or envy their situation & wish to reduce them in point of property to a level with themselves, produce a ferment and assemble a convention, and under it, perpetrate acts of Injustice, there is an end to all good Govt.\* \* \* If they can by one experiment emancipate our slaves, the same principle pursued will enable them at a second experiment to extinguish our land title, for both are held by rights equally sacred. \* \* \*"<sup>8</sup>

A handbill signed by "Keiling" sought to answer with ridicule an opposing argument that had recently appeared in which the latter attempted to show that a convention would tend to move Kentucky closer to the Atlantic States in their ways of doing things. "Keiling" pledged himself "that the most sanguine conventionalist has never thought of moving Kentucky one inch nearer the Atlantic—and should a future convention be mad enough to attempt it, I hope the people, who no doubt, are pleased with their situation, will exercise their power to prevent them from carrying it into effect." He further declared that the present constitution *was* faulty and bad notwithstanding laborious arguments produced by the enemies of reform to the contrary. "Your constitution has existed for

<sup>5</sup> Original copy in Breckinridge MSS. (1798). Dated April 20, 1798.

<sup>6</sup> Stewart's *Kentucky Herald*, April 17, 1798.

<sup>7</sup> Breckinridge MSS. (1798). Dated April 22, 1798.

<sup>8</sup> Durrett MSS. Dated March 11, 1798.

six years, and this is only the second time it has by its ambiguity thrown you into a state of fermentation."<sup>9</sup>

As typical of the flood of handbills spread out by the conservatives in their efforts to stop the movement that was becoming stronger every day. The following quotations and arguments are given from one dated April 30, 1798:

*"To Messrs. Voter, Grocchus, Scauala, Keiling and others Inspired Penmen, who have wrote in favor of a Convention.* We acknowledge our ignorance; confess that we are not capable of thinking for ourselves; and feel the most grateful sensations toward you, for your extreme condescensions in communicating to us your bright ideas, on a subject in which we are so deeply interested; for awakening us, from our lethargic, stupid state; for pointing out the necessity for innovation in our affairs; for your willingness to judge for us, and your desire to establish a perfect system of government." The suggestion is then thrown out that the conservatives would rather do those things for themselves. As to the much-talked of evils in the constitution, they existed only in the imagination of agitators. "We have felt no oppression—we have experienced no real injuries—there have been no infringement on our rights—our persons and property are well secured under our present constitution, why then be discontented!"<sup>10</sup>

The question of slavery early entered into the discussion and did more than any other thing to arouse the fears and apprehensions of the conservatives. The religious denominations, especially, were agitating for gradual emancipation, and although at times desires were expressed for immediate freedom for the slaves, no persons of any responsibility stood championing such ideas. The arguments against this institution were generally based on economic reasons. A handbill, signed by "Franklin" argued that slavery was bad economically for the individual as well as for the state, that it corrupted the country, retarded the progress of knowledge, that religion suffered, and that now was the time to act "because it is probable we shall not revise the constitution for fifty years; because the longer we permit the evil to continue, the more difficult it will be to remedy, as it is daily increasing by the importation of slaves from the other states, and because, if not remedied may be attended with a dreadful and destructive convulsion." It called upon the people to work for emancipation as a primary object in the convention.<sup>11</sup>

A clever as well as biting satire on those standing for emancipation appeared in what purported to be the minutes and constitution of a fictitious anti-slavery society formed in Lexington in 1798. No person who owned slaves was permitted to become a member, "except he be a teacher of the Gospel" in which case having to preach, he would have no time to work, and hence might have slaves to labor for him. The ministers had drawn upon themselves much criticism for their emancipationist ideas as here indicated. Also no person owning over one hundred acres of land was eligible unless they should acquire more through the proceeds of the sale of slaves; but on the other hand any persons who "never owned a slave or slaves worth [one thousand dollars] & who by his course of life will in all probability ever remain so," was to be received without further question. Further limitations on membership were, that no colored persons except those about to receive freedom and not more than one lawyer should be admitted.

The oath required of all members was "I do solemnly swear, that I could not in justice to my conscience own a single slave were I ever so

<sup>9</sup> One of these handbills is preserved in *Breckinridge MSS. (1798)*.

<sup>10</sup> One of these handbills may be found in *Breckinridge MSS. (1798)*.

<sup>11</sup> Handbill in *Breckinridge MSS. (1798)*.

poor; and if one dozen were given to me as a present I would immediately emancipate them." The main object of the society was then stated as "not what the society would do if they had slaves, but what the people ought to do, who own them." It then continued with these further provisions: "All persons opposed to an immediate call of a convention, would more easily find their way into Heaven, than into this society." "Of course, all persons who are for tearing down the old const. to the foundation & building up a new one, shall be entitled to a seat, altho they may own a slave or so; because, as emancipation will be the certain consequence of a convention, if the convention is judiciously selected, the presumption is, that all who are for a convention, altho they will lose their slaves; yet they expect also that in the general shuffle, they will gain on some other score more than they would loose at that." Another clause was marked, "This is a secret article."<sup>12</sup>

There was much solid opposition to slavery from men of vision who put the interests of the commonwealth ahead of their own. They foresaw the blighting effects of human bondage and firmly believed that the growth should be nipped in the bud. Henry Clay, a young attorney who had just arrived from Virginia, and although only twenty-one years of age, entered vigorously into the discussion. In the very beginning he assumed the position which he ever afterwards held, and which corresponded with the most sane and enlightened sentiment throughout the bitter struggle up to the Civil War. He published a number of articles for gradual emancipation. Immediate emancipation never entered into his plan; he always held that that would be a greater evil than slavery itself. He believed that the institution was detrimental to all concerned. "All America," he declared at this time, "acknowledges the existence of slavery to be an evil which, while it deprives the slaves of the best gifts of Heaven, in the end injures the master, too, by laying waste his lands, enabling him to live indolently, and thus contracting all the vices generated by a state of idleness."<sup>13</sup> But Clay was far ahead of the leadership of the commonwealth at this time. As sound as his position was, it suffered from bad company, misrepresentation, and groundless fear. Here and there were heard rumors of immediate emancipation, and the consequent upsetting of social and economic relationships. The inevitable result was that the great majority of the propertied class took fright, and failed to separate the sounder sentiment based on a proper appreciation of actual conditions from the radical demands that slavery be up-lifted root and branch immediately.

But the fears generally held, that if a constitutional convention were called, slavery would be tampered with, were not sufficiently strong to suppress the movement. There was a certain amount of genuine discontent that would be satisfied in no other way. The first constitution apparently made a vote in 1797 and in 1798 automatic. According to this interpretation no action from the legislature seemed necessary. However, the conservatives had argued that the constitution simply allowed a vote but did not make it mandatory, and that, therefore, some action on the part of the legislature was necessary. Much discussion had taken place along this line, with the result that the senate had blocked all action in the house looking toward a convention. However, a vote was taken in the general elections, May, 1797, which was irregular and inconclusive. The constitution required that a majority of the votes cast at the election must favor a convention in order that a vote might be taken at the 1798 election. But of the twenty-one counties now composing the state only

<sup>12</sup> The MS. of this satire may be found in *Breckinridge MSS.* (1798).

<sup>13</sup> A. E. Martin, *The Anti-Slavery Movement in Kentucky prior to 1850* (Louisville, 1918), 27-32.



sixteen made returns of the total numbers who voted at the election. Two of the missing counties sent in returns of the number voting for and against the convention, but not the total number of votes cast in the whole election. Although there was no provision or reason for casting votes against a convention (since all voters not voting at all on the question were counted as being against the movement), still nine counties cast 440 votes "against convention." According to votes cast on all questions in the general election, 5,446 were for a convention. Despite the majority in favor of a convention, the sentiment seemed to be largely concentrated in a few counties where the agitation had centered. In Fayette County, the seat of two newspapers, out of a total of 813 votes cast, 560 were for a convention. Bourbon, Clark, Hardin, Madison, Montgomery, Shelby, and Washington were the other counties favoring a convention. In the remaining counties making returns, Bullitt, Campbell, Franklin, Jefferson, Mason, Nelson, Scott, and Woodford, the votes cast for a convention were not majorities.<sup>14</sup>

Although the vote was not conclusive and strictly regular according to the constitution, it had showed a demand for a convention that could not be ignored. As the time for the general election of 1798 drew near, the discussions became more intensive. The Legislature had taken up the question of the legality of a vote being taken since the first one was irregular. The senate, the seat of conservatism, again tried to stay the movement, by refusing to agree with the house in calling for a new vote.<sup>15</sup> In this action it succeeded only in drawing down upon itself further denunciations. The conservatives made determined efforts to prevent a second vote from succeeding. Meetings sprang up in various places and lengthy resolutions were passed. In April, 1798, just preceding the election, a large meeting of farmers and planters of Fayette County was held at Big Springs. The following resolutions were unanimously adopted:

"1st *Resolved*, That the publications, squibs, handbills, and bellowings in favor of a convention, did not one of them originate among us the people of the country (as we do not covet each others property); but had their being very near the Printing Offices.

"2nd *Resolved*, That we are determined not to give up any part of either our lands or slaves, to these convention folks, let them be ever so poor or covet them ever so much; although it has been thought by some, it would be good policy in us to do so, to keep them quiet.

"3rd *Resolved*, That the custom of the country in giving one-half to save the other, is too large a fee to give to these political lawyers; and moreover does not apply to our slaves at any rate; as we consider our claim to them to be very special.

"4th *Resolved*, That we have offices and officers enough already among us; and therefore shall oppose all attempts to throw the state into confusion; not knowing but in the general shuffle, those who now are at the bottom, will rise uppermost.

"5th *Resolved*, lastly, That if it ever shall become necessary to amend the constitution (which, however, we do not believe to be the case), we will take special care, that we will not to these kind of gentry, confide a trust which involves in its existence, our properties, and every other thing which is dear to us."<sup>16</sup>

These determined efforts to stem the tide of reform were met by the progressives with equal vigor. They not only showed the necessity for certain changes but also spent much time in removing misrepresentations as to their actual position. In April, 1798, a handbill signed "Grac-

<sup>14</sup> Marshall, *History of Kentucky*, II, 233, 236; Collins, *History of Kentucky*, I, 24.

<sup>15</sup> Handbill in *Breckinridge MSS.* (1798).

<sup>16</sup> Handbill account in *Breckinridge MSS.* (1798).

chus" and entitled "Shall there be a Convention," made a strong appeal along these lines. He set forth the necessity for immediate action, declaring that if the people failed to take a vote in the election the following month, they would lose the advantage they had already won; for hereafter a Convention could be called only upon the demand of two-thirds of both houses of the legislature. And so tyrannical was the record of the senate that it could never be expected that two-thirds of that body would ever vote for a convention. There was no necessity to wait, he declared, "till the iron hand of power shall have deprived one part of the community of the ability \* \* \* to murmur at corruption and make a manly stand against oppression." The state must progress in its political and legal development as well as along other lines. He then proceeded to show how senseless were the professed fears of certain people that agrarian laws would be passed and that private rights to property and the ancient liberties of the people would be interfered with.<sup>17</sup>

In May (1798) the question of calling a convention was voted on for a second time. Again the returns were irregular, and according to the constitution could not be conclusive. But of the twenty-four counties that composed the commonwealth, ten failed to make returns of the whole number of votes cast in the election, and of these eight gave no account of any votes having been cast at all on the question of the convention. But a year's discussion had greatly increased the interest of the people. The total number of votes reported was 11,853 and of these 8,804 were for a convention. In Fayette County the total number of votes cast increased from 813 in 1797 to 2,247 in 1798, while the votes for a convention increased from 560 to 1,357. Bourbon, Clark, Jefferson, Madison and Montgomery counties were also strongholds for the convention.<sup>18</sup>

On the meeting of the legislature the question immediately arose as to whether a constitutional convention should be called. Neither vote had been carried out strictly according to the constitution. The conservatives made a last effort to prevent a convention by opposing the law authorizing the election of delegates. But regardless of the fact that the two elections had not been regular, it was evident that a majority of the people wanted a convention, and many of the conservatives seemed willing to recognize the situation. Samuel Hopkins wrote John Breckinridge in December, 1798, "I hear the assembly are ripe for a convention—what pity people will be so foolish—the best that can be done if the measure is carried will be for the most independent & principled men among us to Step forward & prevent mischief."<sup>19</sup> The Legislature finally agreed to disregard irregularities—the returns and to call for an election of delegates. Much opposition to dealing with the Constitutional convention question now was due to the fact that Kentucky was at this time in the very midst of her struggle with Congress which produced the famous resolutions of this year. It was felt that constitutional reform with all the heated argument engendered by it should not be infused into the serious contest with the national government. Kentucky now of all times should produce a united front. Caleb Wallace, of the Court of Appeals, wrote John Breckinridge that he wished "the convention business to be carried if possible. Besides my general fears relative to that case, I dread the consequences of the Heats of Factions which may arise on this question at a time when other great political considerations require unanimity \* \* \* in the Legislature and I fear

<sup>17</sup> Copy in *Breckinridge MSS.* (1798).

<sup>18</sup> Marshall, *History of Kentucky*, II, 252.

<sup>19</sup> *Breckinridge MSS.* (1798). Dated Dec. 8.

nothing can avoid the mischief but postponing the question concerning a convention." <sup>20</sup>

But despite the conditions of the times and the arguments the Legislature did not feel that the question should be further delayed. The times seemed doubly serious to many. Besides the dangers from Federal usurpations, they saw their own state government thrown into the hands of irresponsible people who were bent on the destruction of private rights and liberties, the reward and heritage of years of toil. These fears although groundless were nevertheless sincere. John McIntiere wrote John Breckinridge, "I feel very serious on the Occasion to think our Liberties and property are likely to be exposed to Ignorant & designing men, who never will be satisfied to live under any Government unless they can be continually changing the Same agreeable to their humors and notions at the expense of the Individuals of the State." <sup>21</sup>

Having lost in the Legislature in their efforts to prevent a convention, the conservatives now transferred the efforts to securing as many delegates to the convention as possible. If they could control the convention, there would of course, be no danger in holding it. To this end, plans for the campaign were soon formulated. A meeting was held at Bryant's Station on January 28, 1798, for the purpose of formulating resolutions setting forth the program that should be adhered to by the convention and to provide means for selecting proper candidates. Resolutions were passed declaring for representation according to population and not by counties; against the interference with private property; for a Legislature of two houses; for the independence of the courts and judges; for a continuation of the compact with Virginia; and against the right of Legislature to emancipate slaves. No candidate would be supported who did not agree to this program in its entirety. Candidates were to be selected by a general committee composed of two representatives from each of the religious denominations, and of two representatives elected from each of the militia districts by all males over twenty-one years of age. <sup>22</sup> This general committee was called to meet on the third Saturday in March. Forty-four delegates gathered at this time and nominated a conservative ticket of six; included among whom were John Breckinridge and John McDowell. <sup>23</sup>

The fear was widespread that when once the convention should meet, it would be likely to take up the most radical and dangerous line of procedure, that being a sovereign body it could abolish the most fundamental principles of government and melt down the crystallized principles of liberties set up through hundreds of years of vigilance and strife. There was no let-up in the efforts to settle the questions that should be discussed in the convention, by formulating programs which all candidates were pledged to support in the convention. A correspondent to the *Palladium* suggested that the captain of each militia company of the county appoint five representatives to hold a county meeting for the purpose of formulating a program for the convention to follow. These county committees should then select one of their number to go to Frankfort with the county program there to compose a state-wide committee which should compose the different county programs and draw up a plan of action to be presented to the convention. <sup>24</sup> By these methods it was believed that as little initiative and power of mischief as possible would be left to the convention.

In the meanwhile the friends of reform were not slumbering. About

<sup>20</sup> Breckinridge MSS. (1798). Dated Nov. 13, 1798.

<sup>21</sup> Breckinridge MSS. (1799). Dated Feb. 10, 1799.

<sup>22</sup> *Palladium*, Feb. 5, 1799. Handbill account in Durrett MSS.

<sup>23</sup> *Palladium*, March 28, 1799.

<sup>24</sup> *Palladium*, June 20, 1799.

the same time as the Bryant's Station meeting, they met in Lexington and passed resolutions declaring among other things for gradual emancipation. A meeting was called for the April court day for nominating candidates.<sup>25</sup> The methods and plans of the conservatives were attacked by the progressives as designated to thwart the reforms demanded by the people. They especially objected to the control that the conservatives



LAW OFFICE OF JOHN BRECKINRIDGE AT CABELL'S DALE

would secure and exercise through the militia companies.<sup>26</sup> As the election drew near, the progressives professed to fear that a plot had been concocted to put a property qualification on the right to vote, and that this was part of the conservative program in the convention. Handbills were scattered in which this danger was pointed out: "Turn out, therefore, on the day of election, and snatch your dear-bought liberty

<sup>25</sup> Marshall, *History of Kentucky*, II, 292.

<sup>26</sup> Breckinridge MSS. (1799).

from the devouring jaws of despotic power. There is a secret conspiracy now forming to deprive you of the inestimable right of suffrage, deep laid, and like a threatening cloud, ready to burst over your devoted heads." It was suggested that John Bradford, William Barber, Robert Todd, and certain others be supported as they "are in favor of emancipation, and in favor of free suffrage."<sup>27</sup>

There was another side to the movement for constitutional reform that gave considerable concern to many Kentuckians. In viewing the numerous accessions to their populations from the East, they had come to look upon their commonwealth as holding the shining torch of liberty high, showing the way to a land of applied democracy, an ultimate refuge for the down-trodden of the Eastern states. It thus behooved Kentuckians to protect the reputation they had already established and to enhance it by sane constitutional reform. Samuel Hopkins wrote John Breckinridge, "Kentucky has now her all at stake—& must be cautious—My letters from Virginia inform me, this State is considered as the ultimate refuge of those in the Atlantic States who will not submit to the Oppression & Tyranny which must be the Result of Federal Measures. A Constitution rightly framed will be the strongest incentive to expedite their resolutions."<sup>28</sup>

Kentuckians were willing to profit from outside advice in making their new constitution conform to safe principles. Harry Innes sought the counsel of John Taylor of Carolina as to what changes should be made in the old Constitution. Taylor sent a long exposition of his views. The Senate and the governor, in his estimation occupied a place too far removed from the people and the power of appointment in the hands of the latter was too great. "In addition to this great loss of political weight taken from the people, the constitution endows military men with a tenure in office, equivalent to a sort of nobility for life." He observed that this was the case only in Kentucky and Virginia. The Senate should be elected annually for "whenever annual elections cease, there tyranny begins." "The judicial power \* \* \* is in my opinion the most compleat and beautiful system of the kind, which I ever contemplated. By placing the judge in the situation, from which he cannot be removed except by a real cause; and yet liable to a removal by a remedy which may even reach causes, of compleat sufficiency, tho' no wise connected with ill behaviour, the exact state of judicial independence seems to be acquired, which will insure an upright and informed administration of justice." He urged that Kentucky in her new constitution make strong and specific guarantees of freedom of speech and of the press. "If Kentucky should revise her constitution, she will have the honor of being the first country in the world, which will have the opportunity of placing the dagger of precision in the heart of evasion, upon a point, which if lost by liberty, forebodes her own death." On the principle of representation he declared that if the present basis of numbers were exchanged for county units, "an error will be introduced knowingly into your system of government, which an old custom imposed upon us, and which has ever been the cause of vexation—distrust—and intrigue in Virginia. \* \* \* This will be a dreadful error should you fall into it." He hoped Kentucky would not revoke the compact with Virginia, which was "one of the most liberal actions from a parent country, which history has commemorated. And it also seems to me, that the two states are united by some national ties and certain political interests." "The unfortunate controversy about your slaves, will I fear obstruct those dispassionate efforts to secure your own liberties, which only have a chance

<sup>27</sup> Copy in *Durrett MSS.*

<sup>28</sup> *Breckinridge MSS.* (1799). Dated July 15, 1799.

for success." He states, however, as his belief that gradual emancipation was the only solution to the question.<sup>29</sup>

The convention met on July 22 (1799), and twenty-seven days later adopted a new constitution. Alexander S. Bullitt was made chairman and Thomas Todd, clerk, a position he had filled in practically every convention in Kentucky from the first assembly for statehood. The sessions were made public, and the rules of the House of Representatives were adopted. The convention itself attracted less attention than the movement leading up to it, and according to Humphrey Marshall the proceedings were "in all respects so similar to those of the legislature, that \* \* \* to notice the different propositions, or debates, but little that is either useful, or amusing, could be extracted from them."<sup>30</sup>

The text of the new constitution in the main followed the old one. The numerous fears that had been previously expressed found no basis in the proceedings of the convention and its results. The direct trend was toward greater democracy; but no radical departures were taken. In a few instances, the conservatives succeeded in incorporating more reactionary provisions.<sup>31</sup>

The most important reform was in the election of the governor and the Senate. The electoral college was abolished, and the commonwealth now fell in line with the other states, in electing these officers by a direct vote of the people. The new office of lieutenant-governor was created and made elective in the same manner. The terms of the governor and of the senators were four years, and of the representatives, one year. The governor was made ineligible for re-election for the succeeding seven years after the expiration of the time for which he was elected. For the purpose of apportioning representation a census of all males over twenty-one years of age was ordered to be taken in 1803 and every fourth year thereafter. The lieutenant-governor was by virtue of his office speaker of the Senate, and had the right while that body was in committee of the whole to debate and vote on all subjects, and to cast the deciding vote in case of a tie.

Military service was required of all freemen except negroes, mulattoes, and Indians. However, those who had conscientious scruples again bearing arms were excused upon payment of "an equivalent for personal service."

As to the judiciary, the Court of Appeals, the Supreme Court of the land, was established by direct provision and was given appellate jurisdiction only. Inferior courts were to be set up by legislative action. Judges were made appointive by the governor with the advice and consent of the Senate and given time of office during good behavior. They were subject to impeachment, and for reasonable cause insufficient for this way they could be removed by the address of two-thirds of each House of the General Assembly. A thrust at the complete independence of the judiciary was taken in the clause concerning salaries. According to this provision the judges "shall at stated times receive for their services an adequate compensation, to be fixed by law." These were the identical words used in the first constitution, but the omission of the following clause and in the first constitution is significant: "which shall not be diminished during their continuance in office." The first educational requirement for office ever exacted by an American state was made by this constitution. Each court in appointing its clerk was required to see that "no person shall be appointed \* \* \* who shall

<sup>29</sup> *Innes MSS.*, Vol. 21, No. 58. Dated April 25, 1799.

<sup>30</sup> Marshall, *History of Kentucky*, II, 294.

<sup>31</sup> A copy of the constitution may be found in *Kentucky Statutes* (5th Edition), Vol. I; Marshall, *History of Kentucky*, II; Poore, *Federal and State Constitutions*; Thorpe, *American Charters, Constitutions, and Original Laws*.

not produce to the court appointing him, a certificate from a majority of the judges of the Court of Appeals, that he had been examined by their clerk in their presence, and under their direction, and that they judge him to be well qualified to execute the office of clerk of any court of the same dignity with that for which he offers himself."<sup>32</sup>

Provision was made for the settlement of cases outside of court. From early times there had been a rather widespread feeling that every man should be his own lawyer, and that legal procedure should be made so simple as to allow this. The arbitration clause follows: "It shall be the duty of the General Assembly to pass such laws as shall be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Certain reactionary tendencies appear in the proceedings of the convention and in the finished constitution. An unsuccessful effort was made to fix a property qualification for voting, which should be an "annual tax equal to the tax on 500 acres of first rate land." This amendment was voted down 41 to 11.<sup>33</sup> Sheriffs who had heretofore been elected by a popular vote were now appointed by the governor. The system of voting by ballot established by the first constitution was replaced by oral voting.

The clause on slavery in the first constitution was repeated identically. A clause was added providing that action by a grand jury should not be necessary in the prosecution of slaves for felonies, and that the procedure should be regulated by law, but that the General Assembly should have no right "to deprive them of the privilege of an impartial trial by a petit jury."

The conservatives won another victory in the provisions which made it almost impossible to amend the Constitution. This was an effective answer to those who would tamper with slavery or threaten the fundamental law along any other lines. According to this clause, "When experience shall point out the necessity of amending this constitution" and when a majority of those elected to each House should within the first twenty days of the session pass a law for taking the sense of the people on the expediency of calling a convention, it should be the duty of the election officials to open the polls at the next general election for such a vote. If a majority was found in favor of a convention, then, the General Assembly should direct that a similar poll should be taken the next year; "and if thereupon it shall appear that a majority of all the citizens of this state entitled to vote for representatives, have voted for a convention, the general assembly shall at their next session call a convention, to consist of as many members as there shall be in the house of representatives, and no more: to be chosen in the same manner and proportion, at the same places, and at the same time, that representatives are, by citizens entitled to vote for representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending, or changing this constitution. But if it should appear by the votes of either year as aforesaid, that a majority of all the citizens entitled to vote for representatives, did not vote for a convention, a convention shall not be called."

George Nicholas, who had so much to do with the making of the first constitution, was replaced in this capacity by John Breckinridge. The latter had led the forces of conservatism, as that term was understood in a land of applied democracy, in the movement which produced the convention, and had been one of the alarmists as to what radicalism

<sup>32</sup> Article IV, Section 10. See report of the *American Historical Association*, 1899, Vol. I, 133, 134.

<sup>33</sup> *Reporter*, July 9, 1808.

might do. But judged from the proceedings of the convention and from its final work, the fears of agrarian laws and other interference with private property were groundless. This constitution went into effect on June 1, 1800, and for almost half a century successfully resisted the onslaught of the discontent which early expressed itself and almost continuously clamored for a revision.



## CHAPTER XXXV

### FEDERAL RELATIONS: THE RESOLUTIONS OF 1798 AND 1799

It was the misfortune of the United States for her early political parties to be grounded in the likes and dislikes of foreign countries more than in domestic policies. The followers of Jefferson grew up around French sympathies, whereas their opponents clung together on the principle of hatred of the French if not admiration for things English. As our foreign relations became strained with England or France, the political parties developed more strongly in their opposition to each other. When the Federalist administration succeeded in composing our difficulties with England temporarily in negotiating the Jay Treaty and forcing it through the Senate, the West as well as many other parts of the country, actuated by hostility to England and sympathy for France, bitterly opposed the settlement.

France, herself, was as little pleased with this treaty. Our Proclamation of Neutrality in 1793, which had greeted Genet on his arrival at Philadelphia, had been deeply resented by the French Government and had led that nation to take a deliberately unfriendly course toward the Federal Government, which it believed did not represent the American people. There was, in fact, considerable reason for this belief. Jefferson had argued in support of the obligations which we owed to France in fulfillment of the French treaty of 1778. Many Americans agreed with him, and were greatly surprised and chagrined when the National Administration announced its policy of neutrality in the war that had arisen between France and Great Britain. In this titanic struggle neither nation was very considerate of the rights of neutral America. The Jefferson democrats had little difficulty in excusing the injuries from the French as being in fact provoked by the Federal Government; whereas they saw in the actions of Great Britain indignities unbearable.

But our most pressing difficulties had been composed by the Jay Treaty, whereas our relations with France, protected by no treaty, grew steadily worse. By 1798, affairs had drifted so far that President Adams declared in his message to Congress that he would "never send another minister to France without assurance that he will be received, respected, and honored as the representative of a great, free, powerful and independent nation." France had in fact so far overstepped the limits of endurance on the part of many a Jeffersonian democrat that a reversion of feeling followed. Preparations for war were immediately made by Congress with the country generally in agreement with that policy. The three frigates, *United States*, *Constitution*, and *Constellation* were hurriedly completed; the President was given authority to call out 80,000 militia, and the coast defences were ordered strengthened. George Washington was given command of the army, with Alexander Hamilton directly under him. Although war was never declared, hostilities were, nevertheless, carried on upon the sea. Naval duels were fought between the men-of-war of the two nations, and at least eighty-four French vessels were taken, mostly by our privateers. The early enthusiasm for war soon blew over, and recruiting for the army became increasingly



OLD CAPITOL

slow. Discontent and resultant criticisms soon made the whole venture very unpopular. Within a short time the large standing army, which was in the slow process of formation, was used as an important argument against the Federalists.

The mingled feelings of rising patriotism in the face of a foreign attack and of lingering sympathy for an old friend put the Kentuckians in a dilemma. But their long experience with the rule of the Federalist Administration placed them in no state of enthusiasm for Federalist leadership in this crisis of French relations. In order to give the proper setting to the sentiments of the average Kentuckians at this time, it is necessary to notice his former attitude toward the Federalist regime.

The feeling had long been widespread that the Federalist Administration was largely responsible for the rivalry, distrust, and misrepresentation that the East had been holding toward the West. One of the very first acts of the National Administration had been the passage of the hated excise taxes, and especially the taxes on liquors. The violence of



HALLWAY OF THE OLD CAPITOL

the "Whisky Boys" in Pennsylvania culminating in the Whisky Rebellion was looked upon by Kentuckians as the logical outcome of the policy pursued by the Federal Government. The excise taxes were often made the subject of resolutions of protest. In 1793 a meeting was called in Lexington which issued an address to the people and promised to memorialize both the State Legislature and Congress. It attacked especially the provisions that the taxes should be paid in specie, declaring that it operated unequally between the Atlantic States and the West, since the Mississippi River remained closed and the West thereby was deprived of its markets. It offered as a partial solution the payment of taxes in the products of the country.<sup>1</sup>

The calling out of 15,000 troops to crush the whisky rebellion served only to increase the hostility and distrust toward the Federalist regime. Though Kentuckians looked upon this show of force as a direct threat at themselves, and came to believe that the Federal Government was only looking for an excuse to invade the country. Isaac Shelby declared that he believed "the Executive of the United States was disposed, upon slight pretext, to send an army into this state to drive the citizens thereof

<sup>1</sup> *Kentucky Gazette*, August 10, 1793.

into submission of the excise law and to quell a disorderly spirit which had been represented to exist in our citizens with respect to the dislike of the British Treaty and other obnoxious acts of the Government." He said a Congressman had confirmed him in this impression.<sup>2</sup> As long as Washington was President the confidence reposed in him had largely allayed the people's fears; but when Adams came into power their apprehensions were greatly increased.

Harry Innes declared that he lived in daily fear of an invasion of the state by Federal troops and John Taylor of Caroline observed "That Judge Innes' suspicions were in his opinion well founded as to Adams' views & policy to send an army into the Western Country on any favorable pretext presenting itself."<sup>3</sup> Caleb Wallace also labored under the same impression as to the intentions of the Federalists. In his opinion from the beginning of the whisky rebellion "it was apprehended by several of the most respectable & intelligent of my acquaintances, that the Federal government wished for a pretext to send an army into this country to awe the people, and enable it to punish those, who by speaking, writing, or otherwise, should oppose such of its measures as were thought to be unconstitutional or rigorous." He declared there was much excitement over the various Federal measures inimical to the interests of the West. "And I concurred in opinion with those I conversed with on the subject, that any army which that Government was able to support, for the purpose I have mentioned, could only excite resentment and disgust, and might produce what it was meant to prevent."<sup>4</sup>

The plot of the Spaniards in 1796 and 1797, which Power and Corondolet sought to entice Kentucky from the Union, was not communicated to the Federal Government by Innes, Nicholas, and the other Kentuckians who knew about it, because they distrusted the Federal Government and not on account of any sympathies for what the Spaniards had proposed. Innes declared in an affidavit that "the reason why he and Colonel Nicholas did not communicate the subject to the president of the United States were these:

"1st. That it was well known that neither of us approved of Mr. Adams' administration, and that we believed he kept a watchful eye over our actions; that the communication must depend upon his opinion of our veracity; and it would have the appearance of courting his favour.

"2nd. That we both had reason, and did believe, that the then administration were disposed upon the slightest pretext to send an army to this state; which we conceived would be a grievance upon the people; and therefore declined making any communication on the subject, as we apprehended no danger from the Spanish government."<sup>5</sup> John Taylor of Caroline, from the prospective opinion "that had a communication been made by Innes or Nicholas of the proposition of Power it would have offered one [pretext] that probably would have been taken advantage of by the then Administration."<sup>6</sup>

James Morrison in an affidavit given in 1806 set forth the reason Nicholas gave for not informing the Federal Government on the Spanish plot: "He then went on, in consequence of some questions which I asked, to state the reasons which had prevented him from giving the Executive information of the hostile disposition of the Spanish Government. Amongst others, he observed that the General Government was leaning strongly in favor of monarchical principles; that the Executive was deeply prejudiced against the leading men in our State; that he would lay hold of the information with pleasure and avidity, and make

<sup>2</sup> *Innes MSS.*, Vol. 19, No. 70. Shelby to Innes, October 5, 1808.

<sup>3</sup> *Ibid.*, No. 76.

<sup>4</sup> *Innes MSS.*, Vol. 19, No. 50. Wallace to Innes, June 6, 1807.

<sup>5</sup> Marshall, *History of Kentucky*, II, 224, 225.

<sup>6</sup> *Innes MSS.*, Vol. 19, No. 76.

it the basis for increasing the army, and thereby strengthen the hands of those who were opposed to our republican form of Government; that the means of discharging the public debt would thereby be completely prevented; that our citizens would be saddled with troops, and burdened with taxes for the support of Government; and that he was well assured, from information which he could not well disbelieve, that the Executive was thirsting for a plausible pretext to send an army into our country, as he had declared, not only to curb the licentiousness of the press, but to check a daring disposition in our citizens to intermeddle with the affairs of the General Government. \* \* \* He said he had no doubt but that our Government was already possessed of imperfect information on the subject; and that the motives of a communication from him would probably be misconstrued, and considered as a dereliction of the republican principles which he had avowed; and for which he knew he was denounced by the Executive."<sup>7</sup>

Angered by the bitter attacks of the democrats and especially as many of them were aliens, and emboldened by the general reversion of sentiment in their favor, the Federalists in the session of Congress, in 1798, passed four laws designed to curb their enemies, later grouped together and popularly known as the Alien and Sedition Laws. The first one related to naturalization. By this law the term of residence necessary for citizenship was increased from five to fourteen years. In this way it was hoped that a restraint might be placed on the influx of foreigners who almost invariably were added to the democratic ranks.

The second law dealt with aliens in time of peace. The President was empowered by this act to order out of the country any alien deemed dangerous to the public welfare and was given the additional power to inflict the penalty of three years imprisonment for disobedience.

For the better handling of aliens in time of war, another act gave the President power to order out of the country any alien or to imprison him for any length of time desired. This act was designed to operate only during the period of a war.

The most important of the four acts was the one known as the Sedition Law. It was made a high misdemeanor with a penalty of not more than five years imprisonment or not over \$5000 fine "for any persons unlawfully to combine and conspire together with intent to oppose any measure of the Government of the United States \* \* \* and to impede the operation of any law of the United States, or to intimidate persons from taking or holding public office, or to commit, advise or attempt to procure any insurrection, riot, or unlawful assembly." It was also made a misdemeanor with a less severe punishment for any persons who "should write, print, utter, or publish, any false, scandalous, and malicious, writing or writings, against the government of the United States, or the president of the United States, or either house of the Congress of the United States, with intent to defame the said government or either house of the said Congress, or the said president, or to bring them, or either of them, into contempt or disrepute, or to excite against them, or either of them, the hatred of the good people of the United States, or to stir up sedition, or with intent to excite any unlawful combination" against the execution of any laws of the United States or acts of the president, or to "aid, abet, or encourage, any hostile design of any foreign nation against the United States." The fact that the truth of the charge or accusation was admitted as evidence did not greatly lessen the rigors of the law.

These laws immediately became the objects of bitter attacks throughout the country. The Sedition Law was singled out for special attention

<sup>7</sup> *American State Papers, Miscellaneous*, Vol. XX, Pt. 1, 934. For the wild fears of even a man of the standing of Jefferson, see his famous letter to Mazzei.

as it was a direct attack on the freedom of the press and was the only one actually made use of. Kentucky considered these laws to be the crowning infamy of the Federalist regime. Meetings sprang up in many parts of the state in the summer of 1798 directly following the passage of the laws. The people had long considered it an unquestionable right of theirs to publish their opinions on matters of a public as well as a private nature, and the *Kentucky Gazette* had for a decade given them excellent training and a ready outlet.

A meeting of citizens of Clark County was called to protest against the usurpations of the Federal Administration, and among other resolutions passed the following on the Alien and Sedition Laws:

"Resolved, That every officer of the Federal Government, whether legislative, executive, or judicial, is the servant of the people, and is amenable and accountable to them: That being so, it becomes the people to watch over their conduct with vigilance, and to censure and remove them as they may judge expedient. \* \* \*

"Resolved, That the Alien bill is unconstitutional, impolitic, unjust and disgraceful to the American character.

"Resolved, That the privilege of printing and publishing our sentiments on all public questions is inestimable, and that it is unequivocally acknowledged and secured to us by the Constitution of the United States; That all the laws made to impair or destroy it are void, and that we will exercise and assert our just right in opposition to any law that may be passed to deprive us of it.

"Resolved, That the bill which is said to be now before Congress, defining the crime of treason and sedition, and prescribing the punishment therefor, as it has been presented to the public, is the most abominable that was ever attempted to be imposed upon a nation of free men.

"Resolved, That there is a sufficient reason to believe, and we do believe, that our liberties are in danger; and we pledge ourselves to each other and to our country, that we will defend them against all unconstitutional attacks that may be made upon them."

It was also resolved that the proceedings of this meeting should be sent to the House of Representatives and to the Senate of the United States, to the President, and that they be published in the *Kentucky Gazette*.<sup>8</sup>

Many other meetings were held throughout the state. Among these were assemblies at Lexington, Frankfort and Paris and in Lincoln, Woodford and Madison counties. Militia companies in Bracken, Mason and other counties also held meetings of protest.<sup>9</sup> A Woodford County assembly denounced the Alien and Sedition Laws, declaring, "That for the servants of the people to tell those who created them, that they shall not at their peril examine into the conduct, nor censure those servants for the abuse of power committed to them is tyranny more insufferable than Asiatic."<sup>10</sup> A meeting in Madison County resolved,

<sup>8</sup> *Kentucky Gazette*, August 1, 1798. These are quoted in McElroy, *Kentucky in the Nation's History*, 220, 222. The following satire on this meeting appeared in *Porcupine's Gazette*, September 12, 1798, quoted in E. D. Warfield, *The Kentucky Resolutions of 1798* [New York, 1887], 46, 47, and copied in McElroy, *Kentucky in the Nation's History*, 222: "At Lexington, a mob assembled on the 24th of July with a fellow of the name of Fishback at their head; they got pen, ink, and paper, and to work they went, drawing up resolves to the number of ten, among which is the following one, which, for sentiment as well as orthography, is unequalled even in the Annals of An American Democracy.

"Resolved, that thar es sufshunt resen to beleev, and wee doe beleev, that our leeberte es in daingur, and wee plege ourselves too eche other, and too ouer country, that wee will defende um against aul unconstetushonal ataks that may bee mede upon um."

<sup>9</sup> *Palladium*, August-December, 1798.

<sup>10</sup> *Ibid.*, August 9, 1798.

"That the bills, called the alien and sedition bills, are infringements of the constitution and of natural right; and that we cannot approve or submit to them." <sup>11</sup>

Just as the biting criticisms of the Federal Administration in the newspapers of the day had brought on the hated Sedition Law, so in the same place bold assaults were made on the law itself. One satirical writer declared in speaking of the session of Congress that passed the Alien and Sedition Laws, "Had the session continued much longer, we had every reason to expect, in a post or two, to have heard of a bill interdicting the liberty of *thinking* with an exterminating clause by Mr. Tracy, of every man, woman, and child, who dared to think at all, without a license from the President, those thought to be interpreted by officers, appointed by the President, with a handsome salary annexed to their office." <sup>12</sup> The Federalists were not without their defenders, even in democratic Kentucky. A correspondent to the *Palladium*, a newspaper published in Frankfort, signing himself "Pericles," contributed a series of articles in support of the Federalist measures. He declared that "Congress has not ceased to deserve well of their country," and that with regard to foreign sympathies the tyrannies of France should be no less opposed than those of England. "Would you then O! Kentuckians," he exclaimed, "have gathered together to crush laws made for your defence? No, you would not. Why then, O! why do the friends of Liberty do it now? Is there no tyranny odious but the British? May any other nation trample on all our dear bought rights?" <sup>13</sup>

The situation was doubly complicated and aggravated on account of the fact that the Alien and Sedition Laws were mainly directed against the French supporters and friends, who were the Jeffersonian democrats generally. The undeclared war against France which was being so vigorously prosecuted on the sea and preparations for which were attracting so much attention on land, placed the Kentuckians, as well as other democrats, in a dilemma. They dared not lay themselves open to the damning charges that they loved a foreign country more than their own; and at the same time they did not wish to defend the acts of the Federalists which they believed were largely responsible for the strained relations with France. The fact that war was never declared saved them from being charged with treason by their political enemies. They used every opportunity to show how the Federalists had mismanaged our foreign relations.

The meetings called to express their condemnation of the Alien and Sedition laws generally divided their resolutions and time with our foreign relations. The Clark County meeting declared that "war with France is impolitic, and must be ruinous to America in her present situation." It believed that "an alliance with Great Britain" (which would seem to be a logical outcome of a war with France) "would be dangerous and impolitic; That should defensive exertions be found necessary, we would rather support the burthen of them alone than embark our interests and happiness with the corrupt and tottering monarchy." Preparations for the war with France called forth the resolution, "That the powers given to the President to raise armies when he may judge necessary—without restriction as to number—and to borrow money to support them, without limitation as to the sum to be borrowed, or the quantum of interest to be given on the loans, are dangerous and unconstitutional." But from the duties rightfully understood "we will, at the hazard of our lives and fortunes, support the Union, the independence, the Constitution, and the liberty of the United States," <sup>14</sup>

<sup>11</sup> Marshall, *History of Kentucky*, II, 279.

<sup>12</sup> *Palladium*, August 27, 1798. Article signed by "Investigator."

<sup>13</sup> *Palladium*, September 18, 1798.

<sup>14</sup> See footnote 8.

A Madison County assembly saw the commercial ambitions of the grasping Easterners as one of the underlying causes for the troubles with France and it believed an extension of commerce had been "too much an object with Congress, and to this cause is to be attributed the present unhappy war with the French republic: a war which does not offer a single rational hope of compensation to those citizens who have been injured by French depredations, nor of reimbursing the expenses which it may occasion." It also saw "the powers of raising armies, and of borrowing money, as now vested in the president," to be "dangerous and alarming."<sup>15</sup> A meeting of Lexington citizens declared that the war with France was "impolitic, unnecessary, and unjust, inasmuch as the means of reconciliation with that nation have not been unremittingly and sincerely pursued: hostilities having been authorized against it by law, while a negotiation was pending." It then declared that an American war with France would be "necessary and proper" only "When engaged in for the defence of their territory; and that to take any part in the present political commotion of Europe will endanger our liberty and independence." And as for an English alliance, it resolved, that "an intimate connection with the corrupt and sinking monarchy of Britain, ought to be abhorred, and avoided."<sup>16</sup>

Another county meeting declared that a war with France would be the "most unfortunate event that could befall us" and that an alliance with England would be unthinkable.<sup>17</sup>

Perhaps the most interesting, if not significant, speech of this whole movement was made by the young Lexington attorney, Henry Clay, lately arrived from Virginia, and already actively interested and engaged in the campaign for constitutional reform. In the latter part of July a large meeting was held in Lexington for the purpose of discussing the late Federal measures. Although presumably open to any speaker who wished to expose his views, it could have scarcely have been otherwise than an overwhelmingly anti-Federalist gathering. George Nicholas denounced the Alien and Sedition laws and other Federal usurpations in a long and able speech. In the noise and confusion that followed his speech someone shouted for Henry Clay. The crowd immediately took up the cry, and the young orator climbed upon a wagon that served as the speaker's platform. He began at once a fervid denunciation of the acts of the Federalists, and by his personality and ability as an orator, soon had the crowd under his spell. A contemporary, who was present, declared, "it would be impossible to give an adequate idea of the effect produced." He had so stirred the gathering and expressed its sentiments, that it would hear no more. Federalist orators who attempted to speak were refused a hearing and were only saved from bodily harm by the more discreet members of the audience. After thus summarily disposing of Federalist orators and arguments, the crowd hoisted Clay and Nicholas upon their shoulders and bore away the heroes of the day in triumph.<sup>18</sup>

<sup>15</sup> Marshall, *History of Kentucky*, II, 279.

<sup>16</sup> Marshall, *History of Kentucky*, II, 279.

<sup>17</sup> *Palladium*, August 9, 1798.

<sup>18</sup> For varying accounts of the day's procedure see Warfield, *Kentucky Resolutions of 1798*, 43, ff., and George D. Prentice, *Biography of Henry Clay* [Hartford, 1831], 23, 24. McElroy, *Kentucky in the Nation's History*, 224-226 gives an account based on the above authorities. An account of the meeting was reported by "A respectable gentleman of Pittsburg" for the Reading, Pennsylvania *Weekly Advertiser*, which, however, made no mention of Clay, and greatly warped the facts to favor the Federalists. The account follows: "You no doubt have heard of the commotions in Kentucky. If not, the story is this: Meetings were called in the principal towns to consider of, or rather, abuse the measures of the Government. Seditious speeches, violent resolutions entered into, and a flame everywhere kindled. At Lexington, George Nicholas, a little, indolent, drunken lawyer, of some talents, but no principle,



In the heat of these numerous meetings and correspondence to the newspapers, the attitude of the Kentuckians stood out unmistakably against war with France. But if war should actually be declared and the French should attempt to invade America as was popularly supposed, the Kentuckians would not hold back their aid and support in repelling the common enemy. George Nicholas expressed their view when he declared that "We think that our government gave the first real cause of offence to the French nation" but that France had carried her resentment too far and that Kentucky would be found doing her part in supporting the National Administration.<sup>19</sup>

Humphrey Marshall, one of the extreme Federalist partisans of the times, admitted that the Kentuckians had no desire to disrupt their country in aid of France but charged rather that it was a strategem to win support for the Jeffersonian party. He expressed his views on this point, thus: "The leaders of popular opinion in Kentucky were pre-engaged from the time of Genet, and democratic societies, to say, and to do, whatsoever they should deem expedient, to render the federal administration unpopular, in order that it might be transferred to Mr. Jefferson and the anti-federalists; not with a view to dismemberment—nor absolutely to deliver the country over to France—but to aid her in the conquest of England. Whose government in the language of these *patriots* was not only corrupt, tyrannical, and detestable, but tottering on its rotten foundations and ready to fall, by dissoluted fragments into the hands of the English people—or of France." He also ventured the opinion that the Alien and Sedition laws were universally condemned in Kentucky: "That the people, thus deluded, should have been disaffected was a thing of course—it was what those who misled them had calculated on; and without which, disappointment and chagrin would have accompanied their loss of labour. But all the people were not deceived—nor were all disaffected: while probably, more who approved of the two laws, which have been noticed; as the more ostensible cause of public discontent at the time."<sup>20</sup>

The numerous meetings of the discontented throughout the state were not without their rebound. There seems to have been a concerted action on the part of the few Federalist leaders in the state to call meetings in the different counties for the purpose of passing resolutions in support of the Federal Administration to be sent to President Adams. The general content of these sentiments is seen in the following address from Mason County: "Sir: We have seen, with the anxiety which is inseparable from the love of our country, the situation in which the United States are placed by the aggressions committed by the French nation, on our commerce, our rights, and our national sovereignty.

"Whilst the prospect of peace was in practicable view, we looked anxiously toward that event, but we expected peace upon equitable and honourable terms; we fondly hoped that the constituted powers would

loaded with British debts, and an elder brother of Le beau Citoyen Nicholas, opened the business of the meeting. He spoke for hours in the most inflammatory style—denounced the President as a perjured villain, a traitor, etc. Declared it as his intention to oppose all those measures of the executive which he condemned—and not one escaped his condemnation—and swore if he could not say, read and publish as he pleased in his own house—the Government of the United States should procure him another. Mr. Murray and Mr. M'Lean opposed him ably. The former was heard without insult, but the latter was forced to take shelter in a house from the mob. Upwards of 1,000 persons were present at the Lexington meeting." This was copied in the *Kentucky Gazette*, November 28, 1798.

<sup>19</sup> *A letter from George Nicholas of Kentucky, to His Friend, in Virginia. Justifying the Conduct of the Citizens of Kentucky, as to Some of the Late Measures of the General Government; and Correcting Certain False Statements which Have Been Made in the Different States of the Views and Actions of the People of Kentucky.* [Philadelphia, 1799], Pamphlet of 39 pp, 20, 21.

<sup>20</sup> Marshall, *History of Kentucky*, II, 283.

meet our envoys on the just and liberal terms offered by them, agreeable to their instructions; but although proper advances have been made on the part of our executive, these reasonable expectations have been disappointed. How it becomes us, as citizens of an independent nation, to act in this crisis, there is no question; as freemen, and Americans, we do not hesitate; we will rally round the standard of our country, we will support the constituted authorities—an insidious enemy shall in vain attempt to divide us from the government of the United States. To the support of that government against any foreign enemy, we pledge our lives, our fortunes, and our sacred honour.”<sup>21</sup>

President Adams replied to this address in an appreciative vein: “Gentlemen: I have received an obliging address, subscribed with a long list of names, of your respectable inhabitants, declaring without hesitation, their determination to rally round the standard of their country; and pledging their lives, their fortunes, and their sacred honour, to support its constituted authorities. An address so decided, and patriotic, from a state remote from the seat of government, and the first of the kind from the state of Kentucky, gave me great pleasure. It is a proof of a truth that I have all along believed, without a doubt, that wherever there were Americans, there such sentiments, would sooner or later appear.”<sup>22</sup>

Among other meetings of support that were held was one in Lexington for Fayette County. The set form address was sent to the President, who replied in much the same manner as to the Mason County address, declaring that their proceedings were “expressive of every patriotic sentiments and the most virtuous resolutions.”<sup>23</sup>

Despite the protestations of support and sympathy for the position assumed by the Federal Administration, unfavorable reports were spreading in the East concerning Kentucky’s loyalty. Governor Garrard in his message to the Legislature in November, 1798, referred to the French war in a manner that was not reassuring. He declared, “A war, horrible in its nature and ruinous in its consequence, hangs over us: a war by which we cannot possibly gain any advantages—but may lose everything that is valued by freemen: and if by our united exertions, and the favour of a kind providence, we may be so fortunate as to maintain our independence; it will be at all events at an expense under which we and our posterity must groan; and in consequence of which we may be rendered unable to encounter hereafter more formidable evils than any with which we are at present threatened.”<sup>24</sup>

After dealing thus with the question of the French war and boldly criticizing the Alien and Sedition Laws, as it shall presently appear, he turned to the campaign of misrepresentation that was being waged against the state’s good name. He declared “That the people represented, as, if not in a state of insurrection, yet utterly disaffected to the federal government, and determined to afford it no support; and that this commonwealth waits only an opportunity to withdraw herself from the Union.” He recommended to the Legislature that it declare the State’s attachment to the Union and its determination to support the Federal Government in every constitutional measure.

George Nicholas attempted to set his state aright in the eyes of the nation in an open letter, dated November 10, 1798, and published in a pamphlet of thirty-nine pages, entitled, *A Letter From George Nicholas of Kentucky, to his friend, in Virginia*. Justifying the condition of the

<sup>21</sup> Marshall, *History of Kentucky*, II, 284.

<sup>22</sup> Marshall, *History of Kentucky*, II, 284. The President’s reply was dated December 3, 1798.

<sup>23</sup> *Palladium*, January 15, 1799. President’s letter dated December 3, 1798.

<sup>24</sup> *Kentucky Gazette*, November 14, 1798. The message is given in full here. Also in *Palladium*, November 13, 1798.

Citizens of Kentucky, as to some of the late measures of the General Government; and correcting certain false statements which have been made in the different states, of the views and actions of the People of Kentucky. He stated that he had been repeatedly informed of reports going abroad that Kentucky was planning to leave the Union. "If I understand the nature of the charge," he declared, "it is not founded on a supposition that we have not understanding sufficient to enable us to comprehend what the real interest of our country is; but that we are wicked enough to wish to sacrifice that interest, to our supposed private views."<sup>25</sup>

The "Virginia Friend" was typical of the general movement of innuendo and aspersion, when in speaking of our foreign relations he said, "We entertain no apprehensions of danger from the French, and the Spaniards, the cowardly Spaniard, is too much afraid of us to give us the least insult in future, however favorite, he may be in Kentucky."<sup>26</sup> To this insinuation, Nicholas replied, "As to the Spaniards—so far from our feeling any predilection for that nation, we have until lately, been accustomed to view her with very unfriendly eyes; but our resentment against her has ceased entirely, since she had done us justice, and we now wish, to keep up with her, that friendly and liberal commercial intercourse, which is so obviously to the interest of both countries."<sup>27</sup> As to foreign sympathies "We have no improper attachments to any foreign nations—we are true Americans, having no political objects in view, but the welfare, independence, and liberty of our country."<sup>28</sup> The Kentuckians were charged with passing resolutions of support and attachment to the Union and making a great display of them, and then secretly going about nullifying them. In answer to such charges, Nicholas pointed out that if their "Private resolutions have contradicted those which we have made in public, let it be proved, and I will then agree, that there is sufficient reason to believe that our public declarations are deceitful; but until some proof of this kind is brought, it ought to be supposed, both from our real interest and our public declarations, that we really are warmly attached both to the constitution and the union of the United States."<sup>29</sup>

The spirit of narrow prejudice and of a cramped understanding had led some unreasoning critics to belittle the commonwealth's importance in the Union and to cast aspersions on its brand of democracy. The same so called "Virginia Friend" had said that Kentucky's opinion counted little in national affairs, "as she is the weakest state but one, and the only discontented one." Nicholas indignantly replied that he had often seen the people referred to as "the ignorant herd" and that only the wealthy should rule; "but this is the first time, as far as I know, at least, this doctrine hath been applied to any of the sovereign and independent states, which make a part of the union."<sup>30</sup>

Beset by what she believed to be Federal usurpations and misrepresented by those so blind who would not see, Kentucky was fast assuming a position which would well fit into a scheme whose main spring of action lay east of the mountains and whose originator was a mastermind. In the autumn of 1798, John Breckinridge, who had been taking an active part in denouncing the Alien and Sedition Laws, went to Virginia on an extended trip. Apart from his desire to visit relatives and friends in his old home, there must have been other reasons for this trip. At least, it cannot be said that he was removing himself from a close touch with

<sup>25</sup> *Nicholas Letter*, 21, 22.

<sup>26</sup> *Nicholas Letter*, 20.

<sup>27</sup> *Ibid.*, 21.

<sup>28</sup> *Nicholas Letter*, 21.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Nicholas Letter*, 25.

affairs in Kentucky, especially relative to possible action concerning the Alien and Sedition Laws.<sup>31</sup>

Jefferson, who had watched with alarm, the course of Federal legislation, returned to Virginia with plans for rousing public sentiment. He saw with what ease the Alien and Sedition Laws could be used in building up opposition to the Federalists. It was thus with a double purpose of checking a dangerous trend in public affairs and of using an evident blunder of the enemy to advance his own party interests, that he set about a series of conferences with his fellow-leaders. It was soon decided that resolutions of protest should be introduced in certain state legislatures. W. C. Nicholas, Madison, and Breckinridge are certainly known to have attended conferences for discussing the matter. Madison sketched a set of resolutions which were destined to be introduced in the Virginia Legislature; while Jefferson drew up a series of nine which it was at first thought should be introduced to the North Carolina body, but which were later given to Breckinridge for the Kentucky Legislature.

Years later (in 1821) Jefferson in a letter to J. Cabell Breckinridge, a son of John Breckinridge, gave an account of the conferences resulting in the resolutions: "Your letter of Dec. 19 places me under a dilemma which I cannot solve but by an exposition of the naked truth. I would have wished this rather to have remained as hitherto, without inquiry, but your inquiries have a right to be answered. I will do it as exactly as the great lapse of time and a waning memory will enable me. I may misremember indifferent circumstances but can be right in substance. At the time when the Republicans of our country were so much alarmed at the proceedings of the Federal ascendancy, in Congress in the Executive and the Judiciary departments it became a matter of serious consideration how head could be made against their enterprises on the constitution. The leading republicans in Congress found themselves of no use there, brow beaten as they were by a bold and overwhelming majority. They concluded to retire from that field, take a stand in their state legislatures and endeavor there to arrest their progress. The Alien and Sedition laws furnished the particular occasion. The sympathy between Virginia and Kentucky was more cordial & more intimately confidential than between any other two states of republican policy. Mr. Madison came into the Virginia Legislature. I was then in the Vice-presidency, and could not leave my station, but your father, Col. W. C. Nicholas and myself happening to be together the engaging the co-operation of Kentucky in an energetic protestation against the constitutionality of those laws became a subject of consultation. Those gentlemen pressed me strongly to sketch resolutions for that purpose, your father undertaking to introduce them to that legislature, with a solemn assurance, which I strictly required, that it should not be known from what quarter they came. I drew and delivered them to him, and in keeping their origin secret he fulfilled his pledge of honor. Some years after this Col. Nicholas asked me if I would have any objection to its being known that I had drawn them. I positively enjoined that it should not. Whether he had unguardedly intimated it before to any one I know not; but I afterwards observed in the papers repeated imputations of them to me; on which, as has been my practice on all occasions of imputation, I have observed entire silence. The question indeed has before been put to me, nor should I answer it to any other than yourself, seeing no good end to be proposed by it and the desire of tranquillity inducing with me a wish to be withdrawn from public notice. Your father's zeal and talent were too well known to derive any additional distinction from the penning these resolutions. The circumstances, surely, was of far less merit than the proposing and carrying them through the legislature of his State. The only fact in this

<sup>31</sup> Warfield, *Kentucky Resolutions of 1798*, 147, 148.

statement on which my memory is not distinct is the time and occasion of the consultation with your father and Mr. Nicholas, it took place here I know, but whether any other person was present, or communicated with is my doubt. I think Mr. Madison was either with us, or consulted, but my memory is uncertain as to minute details. \* \* \*

Carrying the resolutions which Jefferson had penned, Breckinridge set out for Kentucky with the intention of introducing them in the Legislature. Governor Garrard in his message on November 7th devoted much time to Federal usurpations and showed that he had either consulted Breckinridge before writing it, or that he and Jefferson were thinking in much the same terms. He said that Kentucky, constituting a part of the Federal Union as she did, was thereby subject to the general prosperity or adversity, "and, being deeply interested in the conduct of the National Government, must have a right to applaud or to censure that Government, when applause or censure becomes its due." He then called attention "to sundry acts of the Federal Legislature, which having violated the Constitution of the United States—which having vested the President with high and dangerous powers, and intrenched upon the prerogatives of the individual State, have created an uncommon agitation of mind in different parts of the Union, and particularly among the citizens of this Commonwealth.

"The Act concerning Aliens is calculated to produce effects most strongly marked with injustice and oppression; because the exercise of the power given therein depends upon the discretion, or, I may say, the caprice of an individual.

"Nothing but a general prevalence of hypocrisy, among that numerous class of persons on whom this law is meant to operate can prevent consequences so much deprecated: for they must affect an approbation of all the measures of Government, whatever be their genuine sentiments concerning them, or, by an honest disclosure of their real opinion, expose themselves to be ruined by banishment, on the secret representation of some interested and officious informer, and without enjoying even the shadow of that trial by jury so dear to freemen.

"Nor can the same law be regarded as anything less than an artful, though effectual evasion of the provisions of that article of the Federal Constitution which withholds from Congress the power of prohibiting the migration as well as importation of such persons as the States then existing should think proper to admit, as provision of the highest importance to those States whose population is not full, and who have a strong interest in welcoming the industrious stranger from every part of the world." <sup>82</sup>

As for the Sedition Law, it had, the governor said, "by fencing round the different branches of the Government in their official capacity, with penal terrors, in a manner before unknown \* \* \* created a new crime against the United States, in a case where an interference on the

<sup>82</sup> *Breckinridge MSS.* [1821]. Written at Monticello, December 11, 1821. According to this date, the letter from J. C. Breckinridge could not have been received December 19. Perhaps November was meant. Jefferson's letter was postmarked December 13, showing that the date December 11, must be correct. Due to an inexcusable blunder this letter was put down in T. S. Randolph, *Memoir, Correspondence, and Miscellanies of Thomas Jefferson* (Charlottesville, 1829) as directed to a Nicholas, without a decision as to which one. This was responsible for the widespread error that George Nicholas was the mover of the resolutions in the Kentucky Legislature. A photostat copy of the letter may be found opposite page 233 in McElroy, *Kentucky in the National's History*. Also see E. D. Warfield, "The Authorship of the Kentucky Resolutions of 1798" in *Magazine of Western History*, III, 374, 386.

<sup>83</sup> This, was, of course, a complete revision of the meaning of the Federal Constitution on that point. It can scarcely be imagined how Garrard could have been honestly mistaken. However, it should be noted that both Breckinridge and Jefferson had used the same argument in the resolutions, which seems to point to a common origin.

part of the Legislature was rendered unconstitutional by that clause which forbids the enacting of any law abridging the freedom of speech or of the press."

Action was necessary, for "any violation of the Constitution acquiesced in subverts the great palladium of our rights, and no barrier remains to oppose the introduction of despotism."<sup>34</sup>

The movement which had been running its course in the state for the past four months had now reached a climax. It had been suggested by some during the summer that the proper mode of procedure would be for the Legislature to act. In fact, one correspondent to the *Kentucky Gazette* suggested immediate action: "My plan is this: Let the Legislature of Kentucky be immediately convened by the Governor; let them pass resolutions praying for a repeal of every obnoxious and unconstitutional act of Congress."<sup>35</sup> So, when the Legislature met in regular session and was given a lead in the governor's message, events logically pointed to quick and decisive action.

The House of Representatives answered the governor's message in an address of strong support. It also noticed the criticisms that had been leveled against the state: "If the want of a blind confidence in and attachment to those who at present administer the General Government; if withholding our unqualified approbation of every act of that Government, however impolitic, destructive, or unconstitutional; if a refusal of the freemen of this commonwealth to prostrate themselves before the chief Magistrate and not only approbate (but tender their persons and property for the purpose of carrying on) a War deemed by them ruinous and destructive; if conduct like this be censurable, the Citizens of Kentucky wait censure."<sup>36</sup>

The day after the delivery of the governor's message (November 8), John Breckinridge, who was chairman of the committee to whom the document was referred, reported a series of resolutions on Federal relations, consisting of nine divisions. These resolutions were almost identically the same which Jefferson had drafted, with the exception of the eighth and ninth articles, which were radically different. Breckinridge, in presenting the Jeffersonian draft, had done so because they followed exactly his ideas, and the changes he made in the last two resolutions were dictated by the same independent judgment.<sup>37</sup>

For two days the set of resolutions was debated with surprisingly little acrimony or differences. The legislators were so completely in sympathy with the sentiments that few cared to oppose them. William Murray, of Lexington, made the only important speech in opposition. He set down with strong reasoning the position of the state in the Union and the relations that should subsist between them—the position which is today unquestioned. "Whilst exclaiming against usurpation, will you yourselves become usurpers? Because the Constitution of the United States has been violated, will you violate your own Constitution? Where is the clause which has given you the censorship—where is the clause which has authorized you to repeal or declare void the Laws of the United States?"

"If we have been elected by our fellow citizens to watch over the interests of our Commonwealth, shall we consume our time—shall we direct our attention from the objects for which we were specifically sent here, in fabricating theories of government and pronouncing void the acts of Congress?" He drew a broad distinction between the great body

<sup>34</sup> *Kentucky Gazette*, November 14, 1798.

<sup>35</sup> *Kentucky Gazette*, August 22, 1798.

<sup>36</sup> *The Mirror*, November 30, 1798.

<sup>37</sup> See Edward Channing, "Kentucky Resolutions of 1798" in *American Historical Review*, XX, 333-336.

of the American people and the state legislatures. It was only the people, he declared, who had a right to inquire whether Congress had exceeded its powers, and not the state legislatures. To the General Assembly was delegated only state powers, and when it came to determining whether a law was void and unconstitutional, the United States Supreme Court alone should act.<sup>88</sup>

Breckinridge made the principal speech in defense of the resolutions. He said that he considered the "Co-States" alone as parties to the Federal compact, that they alone should be judges of the powers exercised under the compact, and that Congress, being a mere creature of the compact, should be subject, "as to its assumptions of power, to the final judgment of those by whom and for whose use itself and all its powers were all created. I do not consider Congress, therefore, the lords and masters of the State, but as their servants." As to the argument that the Supreme Court should interpret the Federal powers, he inquired who the court was, unless the creature and servants of the people. "And if the servants of the people have a right, is it good reasoning to say that the people, by whom and for whose benefit both they and the Government were created, are destitute of that right? Or that the people's representatives, emanating immediately from the people, have nothing to do but behold in silence the most flagrant violations of their rights, and bow in silence to any power that may attempt to oppress them? What line of conduct then does the Gentleman recommend? If the states be already reduced to that deplorable situation that they have no right to remonstrate with men who may mediate their annihilation, it is time that we should retire to our homes and mournfully prepare for a fate which we are destined to submit to."

The resolutions were passed by the House on November 10th almost unanimously. They were then sent to the Senate and passed without a single dissenting vote, and were on the 16th signed by the governor.

The first resolution laid down the doctrine that the Union was a compact among the states, that all Federal powers were delegated by the states, who reserved "the residuary mass of rights to their own self government," and that, "having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

The second resolution, after enumerating the specific crimes, the punishment for which is laid down in the Federal Constitution, declared that the "act of Congress passed on the 14th day of July, 1798, and entitled: 'An act in addition to the act entitled an act for the punishment of certain crimes against the United States,' as also the act passed by them on the 27th day of June, 1798, entitled: 'An act to punish frauds committed on the Bank of the United States (and all other [of] their acts which assume to create, define or punish crimes other than those enumerated in the constitution), are altogether void and of no force, and that the power to create, define and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective states, each within its own territory."

The Sedition Law (passed July 14, 1798), is declared in the third resolution to be "not law, but \* \* \* altogether void and of no effect," because the Federal Constitution specifically reserves to the states powers, not granted, and that the right to restrict the freedom of speech and of the press was not only not granted, but was specifically withheld.

It was resolved in the fourth of the series that alien friends were "under the jurisdiction and protection of the laws of the state wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual states, distinct from their power

<sup>88</sup> *The Mirror*, November 30, 1798.

over citizens," and that, therefore, the act passed by Congress on June 22, 1798, entitled "An act concerning aliens \* \* \* is not law, but is altogether void and of no force."

The fifth resolution, quoting the clause in the Constitution which prohibited the foreign slave trade after 1808, interpreted this provision as securing the right of aliens to migrate to the states and that, therefore, the act against aliens was a violation of this clause.

In the sixth resolution it was argued that the act concerning aliens violated the clauses in the constitution against the deprivation of liberty without due process of law and against the deprivation of the right to trial by jury and other concomitant privileges, in that it authorized "the President to remove a person out of the United States who is under the protection of the Law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favour, without defence, without counsel. \* \* \*" It was furthermore declared that in transferring these powers which were judicial to the executive, another violation of the Constitution was perpetrated.

The seventh resolution laid down the strict construction views of the Constitution, declaring "That words meant by the instrument to be subsidiary only to the execution of the limited powers ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument. \* \* \*"

According to the eighth resolution, the whole series of resolutions should be sent to the state's senators and representatives in Congress, "who are hereby enjoined to present the same to their respective Houses and to use their best endeavors to procure at the next session of Congress a repeal of the aforesaid unconstitutional and obnoxious acts."

The ninth and final resolution was an essay summing up the views and arguments in the foregoing resolutions, appealing to the other states of the Union for sympathetic action. It follows: "Resolved lastly, that the Governor of this Commonwealth be and is hereby authorized and requested to communicate the preceding Resolutions to the Legislatures of the several States, to assure them that this Commonwealth considers Union for specified National purposes, and particularly for those specified in their late Federal Compact, to be friendly to the peace, happiness and prosperity of all the states; that, faithful to that compact according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe that to take from the states all the powers of self government and transfer them to a general and consolidated Government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness or prosperity of these states: And that, therefore, this Commonwealth is determined, as it doubts not its Co-states are, tamely to submit to undelimited and consequently unlimited powers in no man or body of men on earth: That, if the acts before specified should stand, these conclusions would flow from them; that the General Government may place any act they think proper on the list of crimes, punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them; that they may transfer its cognizance to the President or any other person who may himself be accuser, counsel, judge and jury, whose *suspicious* may be the evidence, his orders the sentence, his officer the executioner, and his breast the sole record of the transaction; that a very numerous and valuable description of the inhabitants of these states being by this precedent reduced as outlaws, to the absolute dominion of one man and the barrier of the Constitution thus swept away from us all, no rampart now remains against the passions and power of a majority



of Congress to protect from a like exportation or other more grievous punishment the minority of the same body, the legislatures, Judges, Governors and Counsellors of the states, nor their other peaceable inhabitants who may venture to reclaim the constitutional rights and liberties of the states and people, or who for other causes, good or bad, may be obnoxious to the views or marked by the suspicions of the President, or be thought dangerous to his or their elections or other interests, public or personal; that the friendless alien has indeed been selected as the safest subject of a first experiment. But the citizen will soon follow, or rather has already followed, for already has a Sedition Act marked him as its prey; that these and successive acts of the same character, unless arrested on the threshold, may tend to drive these states into revolution and blood, and will furnish new calamities against Republican Governments and new prettexts for those who wish it to be believed that man cannot be governed but by a rod of iron; that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is everywhere the parent of despotism. Free government is founded in jealousy and not confidence which prescribes limited Constitutions to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go; and let the honest advocate of confidence read the Alien and Sedition Acts and say if the Constitution has not been wise in fixing limits to the Government it created, and whether we should be wise in destroying those limits. Let him say what the Government is if it be not a tyranny which the men of our choice have conferred on the President, and the President of our choice has assented to and accepted over the friendly strangers, to whom the mild spirit of our Country and its laws had pledged hospitality and protection: that the men of our choice have more respected the bare suspicion of the President than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms & substance of law and justice. In question of power then let no more be heard of confidence in man, but bind him down from mischief by the chain of the Constitution. That this Commonwealth does therefore call on its Co-states for an expression of their sentiments on the acts concerning Aliens, and for the punishment of certain crimes herein before specified, plainly declaring whether these acts are or are not authorized by the Federal Compact? And it doubts not that their saner view will be so announced as to prove their attachment unaltered to limited Government, whether general or particular, and that the rights and liberties of their Co-states will be exposed to no dangers by remaining embarked on a common bottom with their own: That they will concur with this Commonwealth in considering the acts as so palpably against the Constitution as to amount to an undisguised declaration, that the Compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these states of all powers whatsoever: That they will view this as seizing the rights of the states and consolidating them in the hands of the General Government with a power assumed to bind the states (not merely in cases made federal) but in all cases whatsoever, by laws made, not with their consent, but by others against their consent: That this would be to surrender the form of Government we have chosen, and to live under one deriving its powers from its own will, and not from our authority; and that the Co-states recurring to their natural right in cases not made federal, will concur in declaring these acts void and of no force, and will each unite with this Commonwealth in requesting their repeal at the next session of Congress." <sup>39</sup>

<sup>39</sup> An original printed copy of these resolutions is preserved in *Breckinridge MSS.* (1798).

Thus was passed and set going to the various states of the Union a series of resolutions destined to become the foundation and inspiration of the doctrine of state rights for many years to come. But the extreme doctrine of nullification of federal measures by individual states acting for themselves alone is nowhere expressly stated. Rather, than suggestion of secession, the idea predominates that whatever should be done, ought to be done through the united action of the states. Direct nullification was, moreover, not considered to be a first remedy; the states should petition Congress to repeal the obnoxious laws, and if that body refused, then, according to Breckinridge, "I hesitate not to declare it as my opinion, that it is \* \* \* the right and duty of the several States to nullify these acts and to protect their citizens from their operation."

These resolutions were received with approbation throughout the state. Samuel Hopkins, writing from Henderson in December, told Breckinridge that "the people through this country are to a man democratic; they have given an almost universal plaudit to your resolutions respecting Congressional Tyranny."<sup>40</sup>

As part of the Jeffersonian program, a set of resolutions, principally the work of Madison, was in December passed by the Legislature of Virginia. These resolutions were much more general in their statements of grievances and remedies than those of Kentucky, but were in general harmony with them. As the case of Kentucky, copies were sent to the various states for the purpose of arousing united action.

Within a short time, replies from the states began to arrive; and it immediately became apparent that the movement would result in direct failure so far as any concerted action was concerned. There could have been little hope from the beginning that the Middle and New England States, strongholds of Federalism, would make a favorable response. As it finally turned out, every state north of the Potomac with the exceptions of New Jersey and Pennsylvania, sent unfavorable replies; and the remaining states, excepting Virginia, who was a co-partner in the movement, maintained a discreet silence.

Delaware was the first state to answer. She declared pointedly that Kentucky's actions constituted "a very unjustifiable interference with the General Government, and constituted authorities of the United States, and of dangerous tendency, and, therefore, not fit subjects for further consideration of this General Assembly."

Massachusetts was more studied in her reply. She took up the gauntlet and argued at length against Kentucky's position and in favor of the Alien and Sedition Laws.

New York and Connecticut, both, sent uncompromising replies, in which they argued for the support of the National Government.

New Hampshire declared with considerable indignation and force that the Federal courts alone had the right to judge of the constitutionality of Federal laws and that she was firmly resolved to defend the constitution of the United States "against every aggression, either foreign or domestic."

The last reply came from Vermont, and was much like the communication from the other states. It strongly supported the position of the National Government and deprecated Kentucky's action.<sup>41</sup>

It was now necessary that the movers in this program take action of some sort. It was felt that to remain silent was to admit defeat. Jefferson, who had been watching closely and directing party maneuvers in the recent session of Congress, suggested in early September (1799) the desirability of Kentucky and Virginia adopting a new set of resolutions as a reply and a defense. He declared that they should answer

<sup>40</sup> *Breckinridge MSS.* (1798). Dated December 8, 1798.

<sup>41</sup> For texts of replies see Elliot, *Debates* (1861 Ed.), IV, 532-539.

"the reasoning of such of the States as have ventured into the field of reason" and that they should also take some notice "of those States who have either not answered at all, or answered without reasoning." He believed, however, that they should express their attachment to the Union and show a willingness "to look on with indulgence, and wait with patience, till those passions and delusions shall have passed over, which the Federal Government have artfully excited to cover its own abuses, and conceal its designs; fully confident that the good sense of the American people, and their attachment to those rights which we are now vindicating, will, before it shall be too late, rally with us, round the true principles of our Federal compact. \* \* \*"<sup>42</sup>

When the legislature convened in November, 1799, Breckinridge, who was elected Speaker of the House at the beginning of the session, introduced a resolution as a reply to the resolutions of the various states. It passed the House without a dissenting vote; but in the Senate opposition was encountered. John Pope, who was later to play an important part in the politics of the state, strongly objected to the use of the word "nullification" in the resolution. He introduced an amendment to use the less threatening term "remonstrating and protesting." A lively debate developed, which came near a victory for the more conservatively inclined senators. When the final vote was taken on Pope's amendment, it was defeated by a majority of only one.<sup>43</sup>

The resolution as finally passed follows: "The representatives of the good people of this commonwealth in general assembly convened, having maturely considered the answers of sundry states in the Union, to their resolutions passed at the last session, respecting certain unconstitutional laws of Congress, commonly called the alien and sedition laws, would be faithless indeed to themselves, and to those they represent, were they silently to acquiesce in the principles and doctrines attempted to be maintained in all those answers, that of Virginia, only excepted. To again enter the field of argument, and attempt more fully or forcibly to expose the unconstitutionality of those obnoxious laws would, it is apprehended, be as unnecessary as unavailing. We cannot however but lament, that in the discussion of those interesting subjects, by sundry legislatures of our sister states, unfounded suggestions, and uncandid insinuations, derogatory of the true character and principles of the good people of this commonwealth, have been substituted in place of fair reasoning and sound argument. Our opinions on those alarming measures of the general government, together with our reasons for those opinions, were detailed with decency & with temper, and submitted to the discussion and judgment of our fellow citizens throughout the Union. Whether the like decency and temper have been observed in the answers of most of those States who have denied or attempted to obviate the great truths contained in those resolutions, we have now only to submit to a candid world. Faithful to the true principles of the federal union, unconscious of any design to disturb the harmony of that union, and anxious only to escape the fangs of despotism, the good people of this commonwealth are regardless of censure or calumny. Lest, however the silence of the commonwealth should be construed into an acquiescence in the doctrines and principles advanced and attempted to be maintained by the said answers, or lest those of our fellow citizens throughout the Union, who so widely differ from us on these important subjects, should be deluded by the expectation that we shall be deterred from what we conceive our duty; or shrink from the principles contained in those resolutions; therefore

<sup>42</sup> Warfield, *Kentucky Resolutions of 1798*, 122, 123. Jefferson to W. C. Nicholas, September 5, 1799.

<sup>43</sup> Butler, *History of Kentucky*, 285, 289; Collins, *History of Kentucky*, I, 25.

*"Resolved, That this commonwealth considers the federal union, upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several States: That it does now unequivocally declare its attachment to the Union, and to that compact, agreeable to its obvious and real intention, and will be among the last to seek its dissolution: That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the state governments and the erection upon their ruins, of a general consolidated government, will be the inevitable consequence: That the principle and construction contended for by sundry of the State legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the discretion of those who administer the government and not the constitution would be the measure of their powers: That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy: That this commonwealth does upon the most deliberate consideration declare that the said alien and sedition laws are, in their opinion, palpable violations of the said constitution; and however cheerfully it may be disposed to surrender its opinion to a majority of its sister states in matters of ordinary or doubtful policy; yet, in momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal: That altho' this commonwealth, as a party to the federal compact, will bow to the laws of the Union, yet it does at the same time declare that it will not now, nor ever hereafter, cease to oppose in a constitutional manner every attempt, from what quarter soever offered, to violate that compact: And Finally, in order that no pretexts or arguments may be drawn from a supposed acquiescence on the part of this commonwealth in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the federal compact; this commonwealth does now enter against them, its solemn protest."*<sup>44</sup>

The doctrine of nullification was clearly expressed in this resolution, which represented an advance over the resolution of the preceding year, but which was evidently provoked by the discourteous and unsympathetic replies of the various states. But it should be noted that nullification by one state was not suggested. The idea of co-operation among a group of states, which later occupied a large place in the policy of many of the Southern States was clearly indicated as the method by which nullification should be carried out.

The apparent contempt showed toward Kentucky leadership and ideas by the New England States in their replies, served to increase Kentucky resentment toward them and toward the alleged usurpations of the Federal Government. A bill was introduced in this session of the Legislature to provide severe punishment for any one who should attempt to enforce the Alien and Sedition laws in the state.<sup>45</sup> Although defeated, it was largely indicative of public sentiment generally.

Although no definite movement toward carrying out the plans and sentiments of the resolutions of Kentucky and Virginia resulted, still the purpose toward which Jefferson, Breckinridge, Madison and the other democratic leaders were aiming, was accomplished. The unpopular acts of the Federalist Administration were kept before the people and were so continuously agitated that the Federalist Party was discredited and

<sup>44</sup> Collins, *History of Kentucky*, I, 405, 406.

<sup>45</sup> Butler, *History of Kentucky*, 289.

defeated by the democrats in 1800; and in bringing about this victory, the resolutions of Kentucky and Virginia had been invaluable campaign documents.

It has been questioned as to whether a movement would ever have sprung up in Kentucky sufficient to produce the resolutions that were passed, without the working of the master-hand and directing power of Jefferson.<sup>46</sup> It is true, there is some mystery as to all of the various conferences held by Jefferson in the summer and autumn of 1798 and as to what was done and suggested there. Undoubtedly he did what he could in arousing and directing public sentiment in Kentucky; but it is impossible that he could have built up a secret organization which could have produced and directed the agitation in Kentucky that began as soon as the objectionable laws were enacted and continued with great vigor until the resolutions were passed. This movement had all the evidences of a spontaneous uprising of the people with no more directing power than was customary and to be expected.<sup>47</sup>

Of course it is true that the doctrines in the resolutions adopted were practically the work of Jefferson; but there can scarcely be the slightest doubt that resolutions of some description condemning Federal usurpations would have been adopted, regardless of any suggestion or influence from east of the mountains. The times in Kentucky were ripe for such a measure, the people were aroused, and the Legislature they elected was bent on action.

<sup>46</sup> See Edward Channing, *History of the United States*, IV, 224, 226.

<sup>47</sup> See reference to article substantiating this view in *Report of the American Historical Association*, 1907, I, 23.

## CHAPTER XXXVI

### KENTUCKY AND THE LOUISIANA PURCHASE

The period following the Spanish Treaty of 1795, which secured the navigation of the Mississippi for the West, was marked by the rapid economic development of Kentucky. There was no artificial limit to the amount of flour, pork, cider and tobacco that might be produced, for the river was free and the markets were extensive. The social and political development of the commonwealth had for a time been somewhat retarded in the agitation for reform; but the new constitution, which went into effect in 1800, set the state on the high-road of progress. The Alien and Sedition acts had created a sudden flurry, only to show that the people were, on most fundamental questions of politics and federal relations, a unit. The Resolutions of 1798 and of 1799 gave an outlet for the pent-up anger of a temporarily dissatisfied people; and although they came to nothing directly, still ultimately they led to a result, which was entirely pleasing to Kentuckians generally.

In 1800 the Jeffersonian democrats secured control of the National Government never again to relinquish it to the hated federalists.

So at the dawn of the Nineteenth Century, the outlook in Kentucky was bright and encouraging. She was a rapidly growing commonwealth, contented in the present and satisfied in her outlook on the future.

James Morrison wrote John Breckinridge: "Times are greatly changed, and I am really happy to see it."<sup>1</sup>

But Kentucky was not a community living unto herself. The world around about her was vastly important. For almost a quarter of a century she had been taking notice of it. Spain and France, and even detested England, had played their part in Kentucky's aspirations and her hopes for their fulfillment; and especially the first and last had not disdained to use the hostile club, when subtle persuasion failed to produce results. As long as foreign nations had interests in the same things as Kentucky, there was always the danger of a break in any concord that might be established. But apparently as long as the Spanish Treaty of 1795 was respected, the major problems of Kentucky would remain settled.

Louisiana, however, was a large province, which reared itself as an impassable obstacle to all American expansions beyond the Mississippi from Canada to the Gulf of Mexico; and it had in its power the ultimate navigation of that great river to its mouth. The prospect was not only of interest to those Kentuckians who chose to look into the future, but it also was of concern to the nation that had first explored it and later possessed it. France in giving this vast domain to the decadent Spanish nation in 1763, did not give up the hope and actual expectation of sometime getting it back. This aspiration seems to have been born of the French people; for it continued unabated as a policy of the government, though it be an absolute or constitutional monarchy, republic, or reign of terror. Before the days of Genet and after, France coveted Louisiana

<sup>1</sup> *Breckinridge MSS.* (1802). Dated February 27, 1802, from Lexington. Breckinridge was at this time a United States Senator.

and plotted for it. Her policy continued unvaried, whether the possessor, Spain, were friend or enemy. If a friend she was to be persuaded it was to her own interest to cede it to France; if an enemy, she should expect nothing less than that so rich a jewel would be seized.

After Napoleon took control in France, he soon came to have the same desire to secure Louisiana which his predecessor in power had displayed. His ideas of world conquest and dominion were forming, and in them Louisiana would play a part. With this arbiter of Europe, plans were made to be executed. Reluctant Spain was inveigled and forced into a deal by the astute Napoleon, in which she should give up the whole of Louisiana for a small principality in Italy, held by no right but that of conquest. True enough, Napoleon promised that he would secure the recognition by the European nations of Spain's right in Italy, and that he would never alienate Louisiana; but these were incidental to the main point which was that he had satisfied an old longing of the French people and had more especially welded a link in his world policy. This transfer was sealed by the secret treaty of San Ildefonso in 1800.

In bringing about this transfer, the French had with great effect played upon the fear the Spaniards had of the encroachments of the Americans on Louisiana. The French held up the forbidding picture of swarms of Kentucky frontiersmen, sweeping across the Mississippi, and seizing the country, with the Spaniards powerless to prevent it. It was then argued that the only way by which the rich Spanish provinces of Mexico and the Southwest could be saved ultimately from the voracious Americans, was to interpose the power of the strong French nation by ceding Louisiana. Talleyrand wrote on this point in 1798: "The Court of Madrid, ever blind to its own interests, and never docile to the lessons of experience, has again recently adopted a measure which cannot fail to produce the worst effects upon its political existence and on the preservation of its colonies. The United States has been put in possession of the forts situated along the Mississippi, which the Spaniards had occupied as posts essential to arrest the progress of the Americans in those countries." He then said that America must be given "the limits which nature seems to have traced for them,"—only the Atlantic seaboard and the mountains. Then coming directly to the point he declared that Spain should "Yield a small part of her immense domain to preserve the rest." He would have Spain to cede the Floridas and Louisiana" and from that moment the power of the United States is bounded by the limits which it may suit the interests and tranquillity of France and Spain to assign her."<sup>2</sup>

Although the greatest secrecy was enjoined on all in making this treaty, the United States diplomatic agents in Europe were not long in sensing something unusual in the relations between France and Spain. As early as April, 1801, John Adams had gathered certain rumors of it in Berlin. The next year a copy of the treaty fell into our hands.

A threatening situation was now fast developing. A veritable bombshell was exploded when in October, 1802, Morales, the Spanish Intendant, in New Orleans, declared that city would no longer be allowed as a port of deposit for the Americans.<sup>3</sup> The certain reasons for this order are not known. It was done perhaps through French instigation, as a measure preparing the way for Napoleon's forces to later take possession. Or it may have been done for just the opposite reason: viz., to show the Spanish resentment at losing Louisiana and by stirring up the warlike ardor of the westerners, to make it difficult for the French to possess it. Whatever may have been the reasons, it is certain they did not meet

<sup>2</sup> Fish, *American Diplomacy*, 142, 143.

<sup>3</sup> *Kentucky Gazette*, November 30, 1802. The order was dated October 16, 1802. A copy is also in *Breckinridge MSS.* (1802).

with the approval of the Spanish Governor of Louisiana, Salcedo, nor of the Spanish Minister at Washington. When finally apprised of the action the King of Spain, himself, disapproved, but the news of the royal disapproval was so long in reaching Louisiana, that the order was not revoked until the Americans were about to take possession according to treaty.

The Spanish Intendant was careful to provide for the wide publicity of his order. His proclamation ran: "And that the foregoing may be publicly known, and that nobody may plead ignorance, I order it to be published in the accustomed places, copies to be posted up in public, and that the necessary notice be given of it to the Department of Finance. Royal Custome House, and others that may be thought proper." But there was little need for the Intendant to feel that the information might not become sufficiently spread. The news of a policy of so tremendous consequences to Kentuckians could never have been suppressed. James Speed wrote a letter from New Orleans to Governor Garrard immediately upon the posting of the proclamation. In it he said: "It [the proclamation] can require no comment from me. If it does not amount to a declaration of war, with the worst consequences to individuals, none of us here understand it. The people of the Mississippi Territory will immediately feel its effects, and when to their indignation is joined that of our countrymen in the Spring, God knows how it may be possible to prevent hostilities. We all hope, however, that you will immediately concert with Mr. Jefferson to prevent the horrible consequences which we apprehend, and be assured that any measure you may adopt to prevent unnecessary bloodshed, and at the same time preserve the dignity of our country, will be warmly supported by a majority of our countrymen here. \* \* \*"<sup>4</sup>

This was a staggering blow at Kentucky's prosperity. The state faced an almost utter collapse of its commerce, which of necessity depended on the navigation of the Mississippi. But it should be noted that no hindrances were placed in the way of boats navigating the river to the sea without stopping. In this sense the river was still free. However, the most important right connected with this navigation was withheld: viz., to land goods for re-shipment on ocean going vessels. Presumable, if it were practicable, flatboats might transfer their cargoes out in the river; but in any instance, a duty of 6% was to be exacted.<sup>5</sup>

The action of the Intendant had come just in time for Governor Garrard to lay the information before the session of the Legislature, meeting in November, 1802. Kentucky was perturbed and greatly upset; but there was a complete absence of the uncontrollable impatience that had characterized her in former crises of a like nature. The Federal Government should be informed and memorialized on this new problem, but not in the terms that had been used in former memorials and resolutions on the Mississippi River question. Then the distrusted Federalists were in power; now their own chosen party held control of the National Government. It was but only natural that they should feel differently: It was not only the case of not wanting to embarrass the Jeffersonian Democrats, but also the fact that they honestly believed and with much reason that the solution of the question would be in the hands of those who sympathized with them and understood them and whom they could trust. The resolutions passed by the Legislature were, therefore, surprisingly moderate.

They were passed on December 1, and a copy follows:

"Resolved, That the proclamation of the Intendant of the port of New

<sup>4</sup> *Kentucky Gazette*, December 7, 1802. This letter was laid before the Legislature in the November, 1802 session in connection with the governor's message.

<sup>5</sup> *Kentucky Gazette*, December 7, 1802.



Orleans, of the 18th of October last, is a direct infraction of the treaty of friendship, limits and navigation, concluded in October 1795, between the United States and the King of Spain, in this particular \* \* \* that by the said proclamation, American citizens are forbidden to deposit their merchandizes and effects in the port of New Orleans, without an equivalent establishment having been assigned to the United States, on another part of the banks of the Mississippi, conformably to the provision of the twenty-second article of the said treaty.

"Resolved, that the Governor be requested to forward the memorial to our senators and representatives in Congress, to be by them presented to the President of the United States, the Senate and House of Representatives in Congress.

"Having on a former occasion, when we represented the obstructions to the navigation of the river Mississippi, experienced the attention and justice of the General Government, in providing by a treaty with the Court of Spain, not only for the free navigation of that river, but for what, in our remote situation from the ocean was absolutely necessary to the enjoyment of it, a place of deposit for our produce,—we deem it necessary barely to state to you, that by an infraction of that treaty, we are deprived of those advantages, in violation of the treaty between the United States and the King of Spain, concluded at San Lorenzo el Real, in October, 1795. The Intendant of the port of New Orleans has by a proclamation of the 18th of October last, forbidden American citizens to deposit their merchandizes and effects in the said port, without having assigned to the United States an equivalent establishment on another part of the banks of the Mississippi.

"We rely with confidence on your wisdom and justice, and pledge ourselves to support at the expense of our lives and fortunes, such measures as the honor, and interests of the United States may require."<sup>6</sup>

Jefferson acted immediately upon receipt of their resolutions. On December 22nd, he sent the Intendant's proclamation together with letters from Kentuckians on the subject to Congress. Unlike the Federalists, Jefferson did not delay so long as to arouse suspicions regarding his honesty and real desire to find a solution; unlike Washington, he allowed no situation to develop where a personal mission was necessary to prevent the possibility of a disaffection of the West. He at once acknowledged in a letter to Governor Garrard, the receipt of the resolutions and promised a speedy solution of the question. On January 18, 1803, he wrote again to keep the Kentucky governor informed, that negotiations had been entered into. He expressed the opinion that the action of the Intendant "was an act merely of the Intendant, unauthorized by his Government," and furthermore he stated that information "showing that this act of the Intendant was unauthorized has strengthened our expectation that it will be corrected." But "in order \* \* \* to provide against the hazards which beset our interests and peace in that quarter, I have determined, with the approbation of the Senate, to send James Monroe to France to help settle the whole question with that country and with Spain in such a way as may effectually secure our rights and interests in the Mississippi." He added that Monroe would "depart immediately."<sup>7</sup>

Jefferson's purpose was to buy New Orleans and the Floridas from the French and Spaniards if possible; but if this were impossible he would then consider other methods of obtaining them. In the meantime, he would not be stampeded into a war—a move which the Federalists were urging in the hope of embarrassing Jefferson and at the same time building up support for their discredited party in the West. The

<sup>6</sup> *Kentucky Gazette*, December 7, 1802.

<sup>7</sup> *Kentucky Gazette*, February 15, 1803.

President with great subtlety set about instilling into the French the fear that the United States would resist the transfer of Louisiana and that an alliance with England would be made for the certain purposes. On this point he wrote, "The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low water mark. It seals the union of two nations, which in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation."<sup>8</sup>

Without the slightest intimation of hostility to the Federal Government or distrust of it, the Kentuckians immediately upon receipt of information on the closing of the river, turned to thoughts of war. To them the first solution that suggested itself was to boldly march upon New Orleans, seize the city, and unshackle the Western trade. Judge Samuel McDowell took a more moderate view of the situation in a letter to John Breckinridge, who was now United States Senator. He stated that the Spaniards had closed the port of New Orleans and that it "appears to us Western People an Evil. But how we are to help ourselves I know not. We could easily take Possession of New Orleans but how could we keep it. \* \* \* But I am afraid the United States are too Weak to attempt anything by force, therefore I Suppose some other means must be used."<sup>9</sup> Another letter to Breckinridge about the same time declared that the closing of the port of New Orleans "has occasioned great alarm here. Most people calculate on war. I hope and believe no such event will happen."<sup>10</sup> Apart from the game of politics that the Federalists were playing in calling for war, there was a sentiment in Congress expressive of the West which demanded the same thing. Senator Ross of Pennsylvania wanted an army enlisted to go against New Orleans. The ardor of the Kentuckians was so great volunteer companies of militia were organized.

The narrow prejudices that certain element in the East had long held against the growing West cropped out again at this time. The mild resolutions that Kentucky had sent to Congress and to the President were completely distorted out of all of their meaning by the *New York Herald*; and its falsifications were widely copied by the other Eastern papers. It was represented that the Kentucky Legislature had sent a set of resolutions to the President demanding an immediate explanation of what steps had been taken to open the Mississippi, informing him that their patience was at an end, and warning him that this was their final plea. It was further stated that the Kentuckians had raised by subscription \$500,000 and that 15,000 men had already enlisted, had armed themselves, had already been in camp three days, and were only awaiting the signal to storm the stronghold of the Spaniards."<sup>11</sup>

There was much provocation in the Intendant action; however, Kentuckians were now perfectly contented to place their case in the hands of the National Government. The disruption of their commerce was by no means fancied. The proclamation came in time to cut off from market the wheat crop of 1802. The conditions were so uncertain that no price could be set. One of John Breckinridge's constituents wrote him in January, 1803, that "no price has yet been talked of for wheat, and the quantity on hand is immense."<sup>12</sup> Other instances were not lacking of the hardships of the times. A consignment of goods imported from Philadelphia was charged £10 duties for its importation through the Spanish Mississippi. One Kentuckian complained that the action of the

<sup>8</sup> Fish, *American Diplomacy*, 144.

<sup>9</sup> *Breckinridge MSS.* (1802). Dated December 15, 1802.

<sup>10</sup> *Ibid.*, John Allen to John Breckinridge, December 18, 1802.

<sup>11</sup> *Kentucky Gazette*, March 29, 1803.

<sup>12</sup> *Breckinridge MSS.* (1803). Benjamin Howard to Breckinridge, January 12, 1803, Lexington.

Spaniards had "cast a damp on the commercial pursuits of this once prosperous land," and assured Senator Breckinridge that the people stood squarely back of the resolutions of the Legislature and hoped that Congress would act immediately.<sup>13</sup>

With the American agents in Europe seeking a settlement, the Kentuckians were willing to await results. No ill-timed or ill-tempered meetings of impatience, demanding a speeding up of negotiations, were held. A writer in the *Kentucky Gazette* could exultantly exclaim "that not a single meeting of the citizens to remonstrate, to consult or advise, has been convoked in any part of the state."<sup>14</sup>

John Allen wrote Breckinridge in February, 1803: "Our country is in a state of perfect tranquillity, the confidence the people have in the president, and I may add in Congress, too, is so firmly fixed that they will not move in any direction but that pointed out by the general government."<sup>15</sup>

But should recourse not succeed, there was a general feeling that "but one opinion will pervade all America. We shall then possess one mind and one arm. \* \* \* Let us await with patience his return—with that silent expectation, which, prepared to meet with joy the news of a happy issue, is nevertheless, if disappointed, ready to inflict a blow which will let all Europe know, that although difficult to be aroused, America acts with vigor and effect."<sup>16</sup>

Events moved fast in Europe. Due to the approach of a general European conflagration with the possibility of many unforeseen results, Napoleon through his agent, Marbois, on April 11, 1803, suddenly offered to sell not only New Orleans but also all Louisiana. Nineteen days later a treaty of cession was signed.

The news of this treaty almost astounded the country. It was much more than had been asked for or hoped for; and for a time Jefferson felt appalled at the enormous extent of territory his agents had bargained for. But he had always appreciated the value and influence of western expansion, and he was now willing to stretch the constitution in his opinion in order to secure so pleasing a result. The rage of the New England Federalists was brushed aside and the treaty was ratified.

Great satisfaction was immediately manifested in Kentucky on receipt of the news of the cession. In anticipation of this result James Brown wrote John Breckinridge that "We who have long been from our very hearts *Western men*, who have seen our country grow, and have grown with our country, can now view its unforeseen and unparalleled prosperity with pleasure and with pride; and perhaps our enjoyment is not a little heightened by a recollection of the part we took in favor of our country at an early period; and of the immediate consequences of measures, bold I admit, and proscribed by autocracy, but well calculated to alarm an unfriendly administration into a respect for our neglected rights."<sup>17</sup> John Breckinridge was overjoyed at the successful outcome of the difficulty. He predicted the new country would be settled and that not remotely, and what was still more important, it would be settled by Americans. He had a broad vision of the rapidly expanding West and was now willing to let the East rage and "calculate, how long it would be before they would be forced to seporate, or travel to the banks of the Ohio to legislate for the Union."<sup>18</sup>

In the midst of the general rejoicing, a considerable flurry in the

<sup>13</sup> *Breckinridge MSS.* (1802). F. L. Turner to John Breckinridge, December 8, 1802.

<sup>14</sup> *Kentucky Gazette*, May 3, 1803. Article by William Littell.

<sup>15</sup> *Breckinridge MSS.* (1803). Dated February 15, 1803.

<sup>16</sup> *Ibid.*, March 8, 1803.

<sup>17</sup> *Breckinridge MSS.* (1803). Dated January 13, 1803. Lexington.

<sup>18</sup> *Breckinridge MSS.* (1803). To Jefferson, September 10, 1803.

West and in the National Administration was occasioned by the attitude assumed by the Spaniards, who were still holding possession of Louisiana. The Spanish minister to the United States in the fall of 1803 protested against the transfer of Louisiana as it had been promised by France in the Treaty of San Ildefonso that the province would never be alienated. The Spanish Minister also argued that Napoleon had not carried out other parts of the treaty, especially that he had not obtained the recognition from the European nations in the transfer of the Italian provinces to Spanish sovereignty, which Napoleon had promised in exchange for Louisiana. For a time it looked as if Spain would be able to seriously jeopardize the treaty between the United States and France. Jefferson resolutely determined that the victory that was virtually in his grasp should never be lost, even at the expense of a war. He showed the Spaniards too plainly his intentions when he began active preparations to raise an army to march upon New Orleans and forcibly take it if necessary. He called on the three states west of the Alleghenies, Kentucky, Tennessee and Ohio, to have their militia in readiness to descend the Mississippi.

The governor of Kentucky was called upon to have 4000 troops ready by December 20th. To stimulate volunteering the Legislature on November 25th, passed a resolution granting 150 acres of land to every officer and enlisted man "who shall voluntarily enter into service and actually descend the river Mississippi."<sup>19</sup> This information was printed on hand bills and scattered over the state.<sup>20</sup> The people throughout the state were aroused at the possibility of losing the object of their dreams for the past quarter of a century. Henry Clay wrote John Breckinridge on November 21 (1803) that the latest move of the Spaniards "has called the public attention from every other object and placed it on this great national concern. Armies, Sieges, and Storms, completely engross the public mind, and the first interrogatory put on every occasion is Do you go to New Orleans? If all who answer in the affirmative should really deign to go, Government would find it necessary to restrain the public ardor, instead of resorting to coercion to raise the 4,000 called for." He stated that the officers had already been appointed.<sup>21</sup> On the same day James Brown wrote Breckinridge describing the situation as much less enthusiastic. The pay was too small for the soldiers, "and the martial character of our people is nearly effaced." He thought that a draft would be necessary to raise the 4000 quota.<sup>22</sup> The bounty of 150 acres of land must have had a considerable stimulating effect.

At any rate soon afterwards Senator Breckinridge was given this glowing account of the enthusiasm that was rampant throughout the state: "There is nothing now in the mouths of your constituents here but the storming of New Orleans: the tocsin of war resounds through the State. \* \* \* Such is the fever in which the people are that no private business can be done with any satisfaction. Ask a Sheriff if there are any taxes due on your land, he will answer, they will *seize* the Town of Orleans *instantly* and *execute* the rascals without bail. \* \* \* Ask a Lawyer to prosecute a suit for you & he will answer That it is *doubtful* whether it is better to make a *forcible entry* on the fort or take it by surprise. Ask a Surveyor whether your plott is made out. He will answer that it is a cursed *plott* in the Spaniards to withhold possession of Orleans, but has no doubt that on a *survey* of the *premises* such courses will be pursued as to effect our right."<sup>23</sup>

<sup>19</sup> *Kentucky Gazette*, November 22, 1803.

<sup>20</sup> *Breckinridge MSS.* (1803). One of the handbills is preserved here.

<sup>21</sup> *Breckinridge MSS.* (1803.)

<sup>22</sup> *Ibid.*, Written from Paris, Kentucky.

<sup>23</sup> *Breckinridge MSS.* (1803). F. Preston to John Breckinridge, November 29, 1803.

The necessity for troops soon passed away, for Spain seeing the temper of Jefferson decided to cease her opposition. Soon after the ratification of the treaty of purchase by the United States Senate on October 21st, the Spaniards surrendered the province to France. Two months later the Americans were given control by the French and Louisiana became definitely and without further question a part of the domain of the United States.<sup>24</sup>

This was the most momentous event for the West that has ever happened in American history; and the Kentuckians truly appreciated what had taken place. Celebrations were held widely throughout the state. In Lexington, the militia companies paraded the principal street and "after going through various evolutions" partook of a big dinner prepared by the town and countryside. John Breckinridge and Harry Innes were the principal speakers.<sup>25</sup>

This vast territory appealed to the imagination of many young lawyers, who had yet their career to make. Breckinridge, as United States Senator, received many appeals for Federal appointments for the new country.<sup>26</sup> Governor Greenup in his message to the Legislature in November, 1804, referred to Louisiana as a land of vast possibilities. The commerce of the West was now destined to assume large proportions. The governor also believed this immense territory would become the center of true democracy and progress and a refuge for free men.<sup>27</sup>

Kentucky felt happy. Her place in the Union was now secure; and she believed that henceforth she would be rated at her true worth. Her influence was now to count for something. The Legislature in its address to the governor in November, 1804, declared that the happy outcome of the past year "secures to our own state in the Federal Union that elevation to which she is entitled."<sup>28</sup> The actions of the state throughout the period of the crisis had been above reproach, and this stood her in good stead in the eyes of the nation. Clay said in this regard, "I am happy to learn that the conduct of Kentucky has raised her in the estimation of our Eastern friends."<sup>29</sup> The days when foreign nations could find support for their intrigues in the state were over. The causes that made such things possible were now removed. Kentucky was now satisfied with the Union and the National Government's management of it. From the questionable patriotism of preceding years, the state now turned strongly to the support of the National Government and the Union; and within a few years there was no state which could surpass her in her boundless devotion to both.

An episode growing out of the excitement of the times bears eloquent proof as to Kentucky's position. One Francis Flournoy, signing himself "Western American" wrote an article appearing in the *Guardian of Freedom*, March 2, 1803, a newspaper published in Frankfort, in which he criticized the Federal Government and advised independent action for Kentucky. His article was in fact for the most part a revival of sentiments which were rather generally held in past years. He declared that the United States had deliberately refused to secure the Isle of Orleans and West Florida in time past when it could have easily been done. The

<sup>24</sup> The exact date of transfer was December 21.

<sup>25</sup> *Kentucky Gazette*, May 15, 1804. When in 1805 there was a flurry with Spain on the southwestern border of Louisiana, Samuel McDowell wrote Breckinridge: "Pray tell me If I must Rub up my old Sword, and gun, as I am determined to live and die Independent of all the world but America (as to Government)." He hoped war would not come as he believed the United States was fearfully unprepared. Breckinridge MSS. (1805).

<sup>26</sup> Breckinridge MSS. (1803, 1804), *passim*.

<sup>27</sup> Copy of message *Ibid.*, (1803).

<sup>28</sup> *Kentucky Gazette*, November 13, 1804.

<sup>29</sup> Breckinridge MSS. (1803). Henry Clay to John Breckinridge, December 30, 1803.

East harbored the most hostile sentiments against the West and had long been trying to destroy its prosperity. It was now time to act, he declared, and if it should be necessary "as the last resort (should our petitions be spurned), to set the general government at defiance and erect ourselves into an independent, distinct Republic; and should we experience any weakness on our part we can recollect that France is strong and we can know that 'tis better to have a friend as a master (if we from our weakness must be mastered) than an enemy." It had now become more necessary, he believed, "to secede from the Union unless she abandoned her politics, than it was for the United States to revolt from Great Britain." Rather than remain in the Union and suffer such miseries "I had rather bow the knee to the Spanish monarch, wear a crucifix and kiss the Pope's face than to be any longer the subject of Eastern America. \* \* \* I am attached to my native home, but have very little for my native rulers, the Eastern Americans, as I conceive, inimical to our prosperity and happiness. I do despise them and their politics, most sincerely. They have hoodwinked us and kept us in such ignorance that they have hitherto turned our enmity toward France and Spain, instead of themselves. But I hope we being [begin?] to get a little more enlightened, and when the western thunder begins to roll we may know where to direct the bolt."<sup>30</sup>

The *Kentucky Gazette* in its issue of March 8th strongly deprecated the "Western American" for his ill-timed remarks, which it declared, were calculated to misrepresent Kentucky sentiment in the East. It added that Kentucky was entirely satisfied with the efforts then being made to secure a final settlement of the Mississippi River question.<sup>31</sup>

In Frankfort on the appearance of Flournoy's article, a number of indignant citizens went to the printer of the *Guardian of Freedom*, James M. Bradford, and demanded the real name of "Western American." Bradford according to the custom of the day refused to make it known. He was then informed that he, himself, would be considered the author, if he still refused. This threat however, failed to move him. About three o'clock in the afternoon the attorney-general of the Commonwealth accompanied by a group of townsmen went to the printing office and demanded in the name of the State of Kentucky the identity of the author. Before this array Bradford thought best to yield.

The excitement quickly grew throughout the town; and by nine o'clock an effigy of Flournoy had been made and tarred ready for the torch. A mob dragged it through the principal street of the town and then set fire to it shouting, "*perpetuity to the union, confidence in the government, and the free navigation of the Mississippi.*" Then, according to the account of the day, "The citizens \* \* \* repaired in peace and tranquility to their respective dwellings, happy in thus having an opportunity of publicly expressing their indignation at any attempt that may be made to make impressions unfriendly to them, and of satisfying the world of their attachment to the government of their choice, and their determination to support the Union of the states, as the sheet anchor of our peace abroad and safety at home."<sup>32</sup>

In the United States District Court, meeting at Frankfort with Harry Innes presiding, the grand jury handed down an indictment against Flournoy. In the words of the jury "[we] do declare that we received with the utmost detestation and abhorrence any speeches, writings, or intimations tending to excite a spirit of discord, discontent or scism

<sup>30</sup> A copy of this article may be found in *Louisville Evening Post*, August 29, 1900. The court records of this with the indictment of Flournoy are still preserved in Frankfort.

<sup>31</sup> The *Kentucky Gazette*, reported in the issue for March 15, that it understood the author of the article was Francis Flournoy of Pendleton County.

<sup>32</sup> *Kentucky Gazette*, March 15, 1803.

among our citizens toward the government of the Union; and consider such as utter or make the same, as enemies to the prosperity, welfare and peace of this country, and wickedly and viciously inclined to bring upon us the heavy curse of disunion which to a young and weak country must be utterly ruinous, do on our oaths present one Francis Flournoy, of the county of Pendleton, in said district, farmer, for unlawfully commencing a written correspondence, indirectly with the government of the French nation \* \* \* with the intent to influence the measures and conduct of the said government of the French nation toward the United States." <sup>33</sup>

There is no record of the outcome of the trial. It is, however, of interest to note that so extraordinary a charge should be brought, and especially that it should be brought in the court presided over by Harry Innes, who himself had been guilty of actual correspondence with foreign nations, instead of merely addressing an open communication to a newspaper as was the case of Flournoy. But times had changed; and that made the great difference. That a person could be indicted for carrying on *indirectly* a correspondence with a foreign government by means of the public press constituted an interpretation of law and patriotic duty which could be made only by a people who were as anxious to strengthen the Union and forget the past as were the Kentuckians now.

Their position stands out still more forcibly in the light of a communication from Jefferson, to Breckinridge in August, 1803, in which he said, "If they [westerners] see their interests in separation, why should we take sides with our Atlantic rather than our Mississippi descendants? It is the elder and the younger brother differing. God bless them both, and keep them in Union if it be for their good, but separate them, if it be better." <sup>34</sup>

Kentucky now took the highroad of patriotic support of the National Government, from which the storms of Civil war a half century later were unable to turn her.

<sup>33</sup> *Kentucky Gazette*, March 22, 1803; *Louisville Evening Post*, August 29, 1900. The language of this indictment is novel in composition and rare in the phraseology of legal documents.

<sup>34</sup> Beveridge, *Life of Marshall*, III, 283.

## CHAPTER XXXVII

### AARON BURR IN KENTUCKY

The excitement incident to the closure of the Mississippi River and the subsequent purchase of Louisiana had scarcely subsided when Kentucky was thrown into tumult again. The Burr episode was to be the final affliction to be visited on the state, growing out of those conditions and from the general atmosphere which had made possible the long course of foreign intrigues and conspiracies that had beset the West from the days of the Revolution. This test of loyalty to the Union and stability in political aspirations and connections was to prove again and for all time that the satisfaction and contentment of the people relative to Federal affairs, lately expressed, still held and that no will-o'-the-wisp could lead them astray.

One of the most interesting characters in American history was Aaron Burr. In the presidential election of 1800 he had come within one vote of being elected President of the United States. This work of the fates awakened in him new and unholy ambitions. The struggle in Congress which resulted in his defeat for an office for which the people had never intended him laid the beginnings of Burr's subsequent career. Disliked and neglected by Jefferson, he soon fell into disrepute with a majority of his own party and in the Presidential election of 1804 he was dropped by his party in the nominations. Depending on his own independent following aided by the Federalists generally he ran for the Governorship of New York. Due largely to the powerful opposition of Hamilton he was defeated. The campaign had waxed hot, and in its stress the natural antipathy between Burr and Hamilton was intensified. The result was a challenge for a duel, which Burr by a line of reasoning developed in a short correspondence, forced upon Hamilton. The death of Hamilton was a shock to the country; and despite the general support of the code duello, Burr was indicted in both New York and New Jersey.

By his act Burr had removed his most hated personal and political enemy; but at the same time he virtually terminated his own political career in the East. His outlook on life was now completely changed. Burr was still young and vigorous, and his ambitions needed only to be changed to conform with his new circumstances. What he should do and where he should do it were not evident at once; and the stability and integrity of his character were not sufficiently strong to force him into any definite line of procedure. The impossibility of determining certainly what he finally planned to do is predicated on the fact that he himself was never decided. He saw numerous possibilities in an unsettled situation and he was determined to do whatever presented itself as most feasible. He was in fact an opportunist.

To him the West was yet a region where daring and reckless leadership still might accomplish much. And it was likely this region he had in mind when he wrote Governor Allston of South Carolina. "In New York I am to be disfranchised, in New Jersey hanged. Having substantial objections to both I shall not \* \* \* hazard either, but shall seek another country."<sup>1</sup> The recent transfer of Louisiana had left a

<sup>1</sup> Quoted in McElroy, *Kentucky in the Nation's History*, 278, 279.



feeling of bitterness and passive opposition in the great bulk of its population who were mostly French, and who had no sympathy for Anglo-Saxon institutions. There was also an element of discontent in New Orleans who were using this place as a base for a possible descent upon the Mexican provinces of Spain, to set up there an independent government. The doom of the power of decadent Spain in the New World was looked to by many of the adventuresome classes as a certainty of the near future. In addition to these forces of uncertainty, there was the lingering feeling among some that in the West apart from recently acquired Louisiana there was present a discontent sufficiently widespread and persistent as to admit of manipulation. Burr surveyed the situation, and came to the conclusion that here existed his opportunities for further action.

Possessed of a mind able to see and provide for the far-flung possibilities relative to some sort of a western scheme, Burr had communications with the British minister to the United States, Anthony Merry, for the purpose of enlisting the aid of the British fleet. For apparently directly opposite purposes, he approached the Spanish minister; but in fact it appears to have been a plan to wring money from Spain as insurance against designs directed at Spanish territory, which Burr was secretly entertaining as one of his contemplated schemes.

In the early part of 1805, he started on a trip to the West to survey the situation and its possibilities and to lay the foundations for his future action. At Pittsburg he met up with his old friend, General Wilkinson, now Commander-in-chief of the United States Army and governor of the Territory of Louisiana, which included all of the Louisiana purchase north of the 33rd parallel. Wilkinson's career of intrigue in the West made him an interesting and valuable counselor. What was mentioned in their conversations is not known; but Wilkinson invited Burr to make the trip down the Ohio with him. Due to other arrangements Burr declined.<sup>2</sup> The latter had not gone far down the Ohio before he was joined by Matthew Lyon, who had won martyrdom in his opposition to the Sedition Act. Lyon, in discussing western conditions with Burr, referred to the fact that residence in Tennessee was not required of candidates to represent that state in Congress. This opened the possibility to Burr of becoming a leader of the West in the nation's councils, either for honest purposes or for attaining a position of vantage in disunion schemes. He floated by Marietta, stopping for a short while, and continued his journey a dozen miles further to a beautiful island which had been cleared by Herman Blennerhassett, an Irishman, and a mansion unrivaled in the whole western country erected. Here he met and captivated Mrs. Blennerhassett. Blennerhassett, himself, was absent, but the beginnings were now laid for a later acquaintance with him and his enlistment in the enterprise. Burr left the Ohio at Cincinnati, where he spent a short time making the acquaintance of the prominent people.

He now departed southward into Kentucky. The visit to the West of so illustrious a character as Aaron Burr, former vice-president of the United States, could not help but attract widespread and favorable attention. The fact that he had killed Hamilton could bring him but little blame in this region. In fact the anti-Federalist West could with little difficulty add praises and appreciations for this very reason. But the name of Burr was not universally acclaimed in Kentucky. It had not yet been forgotten how he had almost robbed the people of their first great victory in 1800. The supremacy of the democrats had been placed in jeopardy at the very outset by the overweening ambitions of one man.

<sup>2</sup> W. F. McCaleb, *The Aaron Burr Conspiracy* (New York, 1903), 25. This is a painstaking and excellent treatment of the whole subject.

A semi-hostile feeling against Burr following 1800 is unmistakably seen in the toasts at Fourth of July celebrations and on other occasions, and in articles in the *Kentucky Gazette*.<sup>3</sup> At a celebration of the Louisiana Purchase in 1804, this toast was offered: "Aaron Burr—May his successors never misinterpret the votes of the people."<sup>4</sup> The knowledge of this feeling toward Burr as well as the intelligence of Kentucky's satisfaction with the Union seems to have spread to the East; for one of his agents in estimating Western conditions, put down Kentucky as unfavorable to any scheme of separation. He added, however, that she would be coerced if she resisted.<sup>5</sup>

Burr reached Frankfort on May 25th. Reports of his coming had preceded him, and gave use to considerable speculation as to his purpose. It was rumored among some that he was interested in opening a canal around the falls in the Ohio, a subject that was agitating the people considerably at this time; while among the less-informed classes, it was believed he had been appointed governor of the Territory of Louisiana and was now on his way out to assume his duties.<sup>6</sup> He stayed while here with John Brown, who had been a member of the United States Senate over which Burr had presided. By previous arrangements it had been determined that he should be a guest of Brown's while in Frankfort.<sup>7</sup> Burr courted none of the display that would seem to have been expected on the visit of so eminent a character; rather he made himself inconspicuous in the straggling Kentucky capital. One of his purposes in this visit was to secure letters of introduction to certain men of prominence in Tennessee; besides this, he must also have had in mind the enlisting of certain Kentuckians in some scheme, however hazy it may have been at this time.

At some time during this trip to the West, Burr interested General John Adair, who was at this time register of the land office in Frankfort. Adair had had an adventuresome career from the Revolution, in which he took part, on down through the Indian wars of the Old Northwest. The fires of wars with rich plunder still burned in his soul, and he had dreams of a Spanish Eldorado awaiting those who should give tottering Spain the final blow. He was well-known to Wilkinson and had no doubt been influenced in his ambitions by this master of intrigue. In 1804, he wrote Wilkinson concerning some grandiloquent scheme which the latter had concocted that he should "be assured the Kentuckians are full of enterprise and although not poor, as greedy after plunder as ever the old Romans were, Mexico glitters in our eyes—the word is all we wait for."<sup>8</sup> Spain was sullen at this time over the transfer of Louisiana and was assuming a threatening attitude on the southwestern borders. There was danger of a clash and perhaps a general war. Adair was therefore not influenced by filibustering or freebooting instincts altogether, but had the genuine expectation that great opportunities might come in a war his own government was fighting.

In Burr's relations with Adair appears one of his schemes, which the latter claimed to believe was the sole object in view. Mexico was to be attacked and wrested from Spain, but as Adair had understood from the signs of the times and from what Burr led him to believe, it was all to be done with the approval of the United States Government, and as part of a general war against Spain. Two years later he said:

<sup>3</sup> *Kentucky Gazette*, 1800, 1805, *passim*.

<sup>4</sup> *Ibid.*, May 15, 1804.

<sup>5</sup> McMaster, *History of the People of the United States*, III, 71.

<sup>6</sup> Marshall, *History of Kentucky*, II, 372.

<sup>7</sup> M. L. Davis, *Memoirs of Aaron Burr with Miscellaneous Selections from his Correspondence* (New York, 1837), II, 368. Burr to his daughter, Theodosia, April 30, 1805.

<sup>8</sup> Durrett MSS. Dated December 10.

"So far as I know or believe of the intentions of Colonel Burr, (and my enemies will agree that I am not ignorant on this subject) they were to prepare and lead an expedition into Mexico, predicated on a war between the two governments; without a war, he knew he could do nothing."<sup>9</sup> In regard to the understanding he had of Wilkinson's intentions Adair further stated: "About the 1st of November, 1806, I received a letter from him [Wilkinson] dated Natchitoches, September 28th, 1806, in which he detailed the number of troops under his command; the number of Spanish troops opposed to him, and by whom commanded; the relative situation of the two armies, together with the orders he acted under; and assures me he will fight in six or eight days at farthest. In that letter are the following words: 'The time long looked for by many, and wished for by more, has arrived, for subverting the Spanish government in Mexico—be you ready and join me, we will want little more than eight armed troops. \* \* \*'"<sup>10</sup>

In November (1805) the Legislature elected General Adair a United States Senator to fill out the unexpired term of John Breckinridge, who had been appointed attorney-general by Jefferson.

Burr continued his journey into Tennessee where he met many of the most powerful and prominent men of the state. At Nashville he was the guest of Andrew Jackson, now major-general of the state militia. To "Old Hickory" he undoubtedly played up his scheme in the same way as to General Adair and left the same impression, that it was to be an attack against Spain approved by the United States Government.

A wide significance was given to the scheme no doubt by a second meeting of Burr and Wilkinson which took place near Fort Massac, the former having floated down the Cumberland River. The seeds of this meeting were probably sown in the conferences that took place a few months previously at Pittsburg. Regardless of what was done or said at the Fort Massac meeting, there certainly had by this time grown up a common understanding, with Wilkinson as deep in the plot as Burr. New Orleans and the dissatisfied people in the District of Orleans (as the southern division of the Louisiana purchase was called) were now the next objective. Provided by Wilkinson with letters of introduction to prominent people there and furnished with all necessary traveling facilities, Burr floated down the Mississippi to New Orleans. He found here a disgruntled people, agitating various schemes of conquest of Spanish territory and ambitious of separation from the United States. Burr doubtless saw great possibilities and talked them.

At any rate, his visit gave rise to a train of rumors, which Daniel Clark described in a letter to Wilkinson: "Many absurd reports are circulated here \* \* \* respecting our Ex-Vice-President. You are spoken of as his right hand man \* \* \* Power, whose head is always stuffed with plots, projects, conspiracies etc. and who sees objects through a millstone, is going to Natchez next week, to unravel the whole of this extraordinary business; and then God have mercy on the culprits, for Spanish ire and indignation will be leveled at them. What in the name of Heaven, could give rise to these extravagancies? \* \* \* The tale is a horrid one, if well told. Kentucky, Tennessee, the State of Ohio, the four territories on the Mississippi, and Ohio, with part of Georgia and Carolina, are to be bribed with the plunder of the Spanish countries West of us, to separate from the Union; this is but a part of the business. Heavens, what wonderful doings there will be in those days! \* \* \* Answer Mr. Burr with an account of it. \* \* \*'"<sup>11</sup>

<sup>9</sup> Marshall, *History of Kentucky*, II, 428, 429. Statement made by Adair, March 1, 1807 at Washington.

<sup>10</sup> Marshall, *History of Kentucky*, II, 430. Statement of Adair made June 16, 1807.

<sup>11</sup> Wilkinson, *Memoirs*, III, Appendix, p. 35. September 7, 1805. A copy is in McElroy, *Kentucky in the Nation's History*, 282.

Leaving New Orleans in mid-summer Burr retraced his course northward, going directly to Kentucky first. He arrived in Lexington, August 19th, and remained in the vicinity for almost a fortnight, making valuable friends and acquaintances. His engaging personality made him a favorite with the prominent inhabitants, and due to this quality he built up a powerful personnel following with those he came directly into contact with, while he remained an object of suspicion to the masses of the people. Henry Clay became strongly attached to Burr, as he greatly admired his talents and believed that he had been unjustly dealt with and outraged by the East. August 28th, Burr was back in Frankfort again, and again staying with his friend, John Brown, Burr wrote his daughter, Theodosia, at this time: "I am magnificently lodged at the house of John Brown \* \* \*" <sup>12</sup> Before leaving the state, he visited Louisville where he had established certain connections. <sup>13</sup>

Apart from merely surveying the general situation at this time, Burr seems not to have entered into any direct understanding with Kentuckians, with the possible exception of Adair. Nevertheless his two visits taken together began to attract considerable attention, largely suspicious and unfavorable. The editor of the *Kentucky Gazette* remarked in November (1805) that Burr had recently passed through Lexington and that "if he calculated on withdrawing the affections of the people of the Western States from their Government, he will find himself deceived, if he has not already made that discovery." <sup>14</sup> It was further stated in this mirror of Kentucky opinion that his later career "was fraught with a degree of duplicity, which can never be satisfactorily defended" which had "made him an object of attention wherever he had traveled. His talents for intrigue are considered as unrivalled in America, and his disposition doubted by few." The *Palladium* in Frankfort, greeted Burr with a set of queries copied from an Eastern paper, in which it was asked how long it would be until Burr would be at the head of a revolutionary party in the West, whether he had not formed a plan to entice the adventuresome from the East to Louisiana, and whether one of the inducements was not "that an immediate convention will be called, from the States bordering on the Ohio and Mississippi, to form a separate government?" <sup>15</sup>

But as before suggested, Burr was able to captivate with his marvelous personality those who came directly in contact with him. The following description is given of him as he appeared in Frankfort:

"I have at length been gratified with the sight of the late Vice-President, Aaron Burr. He arrived in this place on the 28th inst., from Orleans. A few days after, I had the honor of spending an evening in his company. I know you will laugh at the idea of my awkwardness, but be that as it may, I took some good solid looks at him; and can tell you something about him.

"His stature is about five feet six inches; he is a spare, meagre form, but of an elegant symmetry; his complexion is fair and transparent; his dress was fashionable and neat, but not flashy. He is a man of an erect and dignified deportment; his presence is of the French configuration; his forehead is prominent, broad, and retreating, indicative of great expansion of mind, immense range of thoughts, an amazing exuberance of fancy but too smooth and regular for great altitude of conception.  
\* \* \*

The eye-brows are thin, nearly horizontal, and too far from

<sup>12</sup> Dairs, *Memoirs of Aaron Burr*, II, 368.

<sup>13</sup> James Parton, *The Life and Times of Aaron Burr* (Boston, 1802). Enlarged Edition, II, 47.

<sup>14</sup> November 3, 1805.

<sup>15</sup> September 7, 1805.

the eyes; his nose is nearly rectilinear, too slender between the eyes, rather inclined to the right side; gently elevated, which betrays a degree of haughtiness; too obtuse at the end for great acuteness of penetration, brilliancy of wit, or poignancy of satire; and too small to sustain his ample and capacious forehead. His eyes are of ordinary size, of a dark hazel; and from the shade of his projecting eye bones, and brows, appear black; they glow with all the ardor of venereal fire, and scintillate with the most tremulous and tearful sensibility. They roll with the celerity and frenzy of poetic fervour and beam with the most vivid and piercing rays of genius. His mouth is large; his voice is manly, clear, and melodious; his lips are thin, extremely flexible, and, when silent, gently closed; but opening with facility to distill the honey which trickles from his tongue. His chin is rather retreating and voluptuous. To analyze his face with physiognomical scrutiny, you may discover many unimportant traits; but upon the first blush, or a superficial view, they are obscured like spots in the sun, by a radiance that dazzles and fascinates the sight.

"In company Burr is rather taciturn. When he speaks it is with such animation, with such apparent frankness and negligence as would induce a person to believe he was a man of guileless and ingenuous heart, but in my opinion there is no human more reserved, mysterious and inscrutable.

"I have heard a great deal of Chesterfield and the graces. Surely Burr is the epitome—the essence of them all, for never were there charms displayed with such potency and irresistible attraction. He seems passionately fond of female society and there is no being better calculated to succeed and shine in that sphere. To the ladies he is all attention—all devotion—in conversation he gazes on them with complacency and rapture, and when he addresses them it is with that smiling affability, those captivating gestures, that *je ne sais quoi*, those desolating looks, that soft, sweet and insinuating eloquence, which takes the soul captive, before it can prepare for defence. In short he is the most perfect model of an accomplished gentleman that could be found, even by the wanton imagination of poetry or fiction. But alas! my friend, what avails those splendid talents, that transcendent address, nay, all the blessings that heaven can bestow, without that solace, that inestimable boon, content and tranquillity? Burr is an exemplary, and illustrious instance of the capriciousness of popular admiration, and the mutability of human glory and felicity. But why should we wonder at popular instability and clamor—a discordant voice that vilifies and arraigns even Omnipotence itself? The circumstance that has thus contributed to blast the popularity and poison the peace and happiness of this unfortunate man, is lamentable indeed; but he who will presume to ascribe it to a corruption of depravity of heart, rather than to the fallibility of man, and the frailty of human passions, must be blinded by his own venom, and utterly estranged to every sentiment of compassion and that lenient and divine maxim which instructs us, that where opposing presumptions are of equal weight, the scale should always predominate on the side of mercy. Confident I am that there is no persons more sensibly, more deeply touched with grief, or more sincerely penitent for his misfortune, than he who was the instrument. Yes, my friend, even Burr, the inimitable, the incomparable Burr, is disturbed, is unhappy! Often did I mark the perturbation of his mind, the agonizing sensations which wrung his too susceptible heart, and which in spite of his philosophy and sprightliness, wrote themselves in the darkest shades on his countenance; and when I beheld the melancholy, the saturnine clouds, which often enveloped his bleeding, his magnanimous soul, my feelings were melted with a thrilling, a sublime sympathy—the tears started in my eyes, and could I have given them the efficacy of the angela, I would have expiated his crime,—I would

have blotted out the imputation from the memory of man, and the records of Heaven!"<sup>16</sup>

Leaving the state by the way of Louisville, Burr went to St. Louis to see Wilkinson. By this time rumors of what Burr was supposed to be planning had been wide-spread and served to show to one as wise as Wilkinson the impossibility of success for any scheme which might attempt to compromise the loyalty of the West. Wilkinson had again found the western army which he commanded loyal to the Union. He, therefore, had come to think differently of Burr's schemes, and on Burr's arrival he treated him coldly. In reply to Burr's description of conditions in the Orleans country he said, "If you had not profited more by your journey in other respects than in this, you would better have stayed at Washington. The Western people disaffected to the government! They are bigoted to Jefferson and Democracy."<sup>17</sup> He was, nevertheless, willing to give Burr a letter of introduction to William Henry Harrison, governor of the Indiana Territory, in which he urged the sending of Burr as a territorial delegate to Congress.

In pursuance of these plans Burr returned eastward through Indiana Territory and on into Ohio, stopping at Cincinnati, Chillicothe, and Marietta. He reached Philadelphia near the end of 1805. He had made his trip of inspection to the West and had seen for himself. A less visionary man would in the light of this visit have given up further scheming or greatly modified it. But it was otherwise with Burr. The men he had come into direct personal contact with had been strongly cast under his spell—and he had seen the most prominent men in the West. But their sympathy and support did not mean that they would follow him into disloyalty to the United States or into projects opposed by the national authority. It was no doubt largely due to the lack of definiteness of any scheme presented by Burr, that he was able to see support and sympathy in the Western leaders. But Burr had apparently neglected wholly to influence the masses of westerners in any way unless unfavorably. And, if he believed otherwise, he was a bad judge of Western feelings and sentiments. If he counted on the leaders of the West to influence the masses in his favor, he was again at fault; for the leaders themselves were not willing to support Burr in any of his contemplated schemes.

The United States navy was considered to be a valuable power in his game, so he now set about corrupting it. This he attempted to do through William Eaton, who had taken a spectacular part in the recent war with Tripoli and who was disgruntled on account of the feeling that his government had not properly supported him. Instead of falling into the scheme, he informed Jefferson of Burr's plan. As the President was thoroughly convinced of the loyalty of the West he put little importance in what Eaton reported. Burr further carried on his preparation by winning over Herman Blennerhassett on account of the money contributions he could make. The latter was told that the object of the scheme was primarily to settle a large area of land beyond the Mississippi known as the Bastrop grant, but he was also informed that the West was greatly dissatisfied with the union, that an invasion of Mexico was probable, and that then the Western states would likely join the new government, which would more nearly suit their interests.

In August, 1806, Burr started West again—this time to attempt to put into operations his scheme and to rise or fall on the results. His first important stop was at Blennerhassett's Island, which he made the temporary center of his preparations. He set about the construction of

<sup>16</sup> Reproduced in the *Kentucky Gazette*, September 17, 1805, from the *Palladium*, September 7, 1805.

<sup>17</sup> McElroy, *Kentucky in the Nation's History*, 287.

fifteen large boats which would accommodate 500 men. Part of these boats were soon building at Marietta a dozen miles up the river. Burr, himself, continued his journey down the river to look after further preparations.

Blennerhassett rather clumsily began a series of articles in the *Ohio Gazette* under the name of "Querist," seeking to show the western country why it should separate from the Union. This led directly to newspaper activity in Kentucky which for a time bid fair to upset Burr's whole scheme. The *Western World*, a newspaper recently set up in Frankfort, took up the fight against Burr, and sought to prove that his plot was only a continuation of the old Spanish intrigues. On October 15 (1806) "An Observer" began the first of these contributions:

"The people have seen published from the *Ohio Gazette*, which has its origin and stand at Marietta, and which is supposed to be under the influence of Colonel Burr, a paper in which the idea of *disunion*, by the Alleghany mountains is both openly avowed, and publicly advocated. This is but the idea of the *Spanish Associates* upon a more extensive scale, and with a more imposing aspect. The man who is held up in front, and at the head of this new plan of dismembering the union of the states, is now among us. While his secret and mysterious movements indicate the management and combination of some plan of operations, which will not bear the public view and examination, it is announced as a fact, and doubtless is true, that a number of gun-boats and a schooner of singular construction, are preparing for this man, on the Ohio river. These can but be considered as preparation for some military expedition. But whether it is intended for the Spanish mines of Santa Fe, for the city of New Orleans, or the Spanish Territory on the Gulf of Mexico, or elsewhere, is all uncertainty and conjecture. Yet that a blow is to be struck somewhere, *I have no doubt*.

"We are taught to believe that this man's fortunes are such as to tempt him to desperate enterprises; his genius capable of planning those which are bold and extensive. It is believed he holds no public commission nor any authority under the United States. It seems incredible that the president of the federal government should know and connive at an armament or equipment of hostile vessels, within the United States, under the direction of an American citizen, or any other, without public authority; and therefore we must suppose the president uninformed of the fact. We must hope that so soon as he is informed, effectual means will be resorted to, for the suppression of these measures, now conspiring to commit the peace and dignity of the United States, with a neighboring nation; or, what is equally probable, to effect a *disunion of the States*, and a dismemberment of the American republic.

"We would hope that this will be prevented by the vigilance of the government, and the good sense of the people roused to indignation against those *who dare to plot this disunion*. We do hope that, upon the meeting of Congress, a law will be passed, with suitable provisions to meet all machinations against the Union; and to punish with adequate severity all attempts at private armament within its limits. *For it is the government which must fix the sentiments of the people*.—Without effectual measures on the part of the government, what are the peaceable and well disposed citizens to think? Where are they to fly for protection, against the secret plots and wicked projects of the *bold conspirator, or the unprincipled demagogue*?

"But these reflections open a scene which must awaken the feelings, and excite the interest, of every friend to his country, who duly appreciates the importance of union.

"\* \* \* The people, if divided on the subject of union, will be made to conquer themselves, by playing the one part against the other. To

divide the people has therefore been a primary object with the conspirators, past and present. Since 'divide and conquer' is a maxim as old as ambition itself,—this is the doctrine which the enemies of the American union perfectly understand—it is a principle of which they never lose sight. Divide the people of any country, and a small military force settles the question of government.—Thus has France conquered, as well the republics, as the monarchies of Europe. And thus may any people be conquered who permit their loyalty and love of country to be corrupted. Thus may the American union be dissolved, when once the people shall cherish and support those who are publicly convicted of holding principles and advocating measures of disunion."

Then the baneful effects of the Spanish intrigues were referred to, as seen in the present day.

"\* \* \* This state of things, so afflicting and alarming to the real friend of his country, has given rise to a new conspiracy, for effecting disunion. The outline of which we see traced in the publication from Ohio. The means to produce the end will be various, yet reducible to two primary agents, persuasion, and force. With these, the people are to be assailed, and unless they are prepared for resistance, unless the weapons of the conspirator can be turned with effect against themselves, their purpose will be accomplished.

"Solemnly impressed by a view of the scene before me, greatly devoted to the union of America, and confidently believing that the great body of the people are possessed of public virtue, and attached to the constitution—I have felt it a duty which I owe to my country, to sound the alarm—to awaken the people to a sense of their danger—to attempt to rally them round the standard of the union; and to call forth an expression of their will, upon a subject so momentous to their future peace and happiness.

"In this attempt I shall not be charged with personal motives, for they are lost in the magnitude of the subject. Besides, it is upon the occasion, and the feeling which it excites, that I rely for attention. It is the facts and the sentiments, and not the signature, that should influence public opinion. Was there another to perform this task, I would forego it with cheerfulness.

"Indeed, I know that the man who addresses you, with the hope of raising you from your present fatal security, and of convincing your judgments that the Union is in danger, should be little less than a messenger from heaven: such is your confidence in your present rulers:—nor do I wish to diminish that confidence but I well know that an awakened apprehension of danger, on the part of the people, naturally begets vigilance on the part of governors who prize their safety. I know that a man who addresses a great and magnanimous people, with the hope of commanding their attention, ought to be charged with a gospel, or revelation: Such is the importance of the subject that I now offer to your consideration; and such the people whom I address. Great and magnanimous, they may continue to be. It is but to assume their natural and just character in the American Union; it is but to manifest a manly determination to oppose, and to punish, upon all proper occasions, the *intriguer* and *conspirator* in favour of disunion. It is but to take a firm and dignified stand among the western states, *in support of the federal government*. In this point of view, the local situation of Kentucky is all-commanding. Were it necessary to resort to argument to enforce a conviction of these *truths*, I had a mind powerful as the storm, and penetrating as the lightning, I would devote its energies to the attainment of so grateful and brilliant an acquisition; but I take them to be self-evident.

"Had I the tongues of saints, and of angels, I would exert their utmost eloquence to impress on your minds *the importance of Union*.—



*Union!* an idea inspired by Heaven itself, when in the councils of its benevolence, it determined to make this, with the Atlantic portion of America, *free and independent*. An idea confirmed by the Omnipotent God of battles, when he gave to our infant struggles the palm of success, and the lance of victory. An idea which should be endeared to the heart of every citizen of the United States, by the recollection of an arduous war, a glorious peace, and an ample territory. An idea which should excite in the mind of every such citizen, a degree of enthusiasm, when he surveys within the comprehension of his country, a variety of genial climates—a diversity of fruitful soils—and a multiplicity of convenient and spacious harbours. That source of health, wealth, and prosperity. *Union!* Rapturous thought! It associates whatever is most desirable to man, and most amiable in life. In union! there are peace, safety and happiness—there are laws, justice, and humanity—there are morality, religion, and piety—there are the sympathies of the heart, the charities of the soul, the elegancies, comfort, and decorations of life. There are riches, honour, and glory—domestic tranquillity, internal security, civil liberty, and national independence.

"In disunion! what a melancholy and distressing contrast; separate confederacies or state sovereignties; the perpetual rivals, and inveterate enemies of each other. Hence ruthless jealousy, hot contention, and bloody war—heavy expenses, dissolute morals, private misery, and public distress. These observations, or predictions, need no reasoning to enforce their truth. For if we cannot live in union—we cannot live in peace. The rest follows in the train of war. Let us then penetrate ourselves with the conviction, that union is all-important and essential. Let us teach it as a moral precept to our children, and practice on it as a religious tenet ourselves. Let us guard it as a sacred deposit entrusted to our care, by the hand of heaven, and protect it from abuse as we would the altar of our holy religion. Let us believe that it is to our temporal happiness, what a faith in Jesus Christ is to our future felicity.

"These are the tidings which I announce—and the seals of reason and experience, attest their truth."<sup>18</sup>

The *Western World* was not alone in its efforts to ferret out the Burr plot and preach patriotism to the Westerners. Joseph Hamilton Daviess, the United States district attorney for the State of Kentucky, a federalist who had so admired Alexander Hamilton that he chose his name, and who had so far escaped dismissal by Jefferson, believed that Burr was engaged in a dangerous conspiracy and determined to acquaint the President of the fact. On January 10, 1806, he wrote Jefferson: "The dangers which I fear, may be trivial or distant, but as on the other hand, they may be near, and momentous; and in such case your being early apprised of them highly important; it is a duty I owe you as the chief of my government to give you timely hints, whereby you may forestall the danger and bring the traitors to punishment in due season. \* \* \* This plot is laid wider than you imagine. Mention the subject to no man from the western country however high in office he may be. Some of them are deeply tainted with this treason. I hate duplicity of expression, but on this subject I am not authorized to be explicit; nor is it necessary. You will dispatch some fit person into the Orleans country to inquire, having letters with him from the suspected gentlemen, and he can fully and easily develop the whole business. Do not think this a slight advertisement."<sup>19</sup>

On the 15th of February Jefferson answered with the request that Daviess gather all the information possible and particularly the names

<sup>18</sup> Marshall, *History of Kentucky*, II, 386-392.

<sup>19</sup> Marshall, *History of Kentucky*, II, 400; McMaster, *History of the People of the United States*, III, 54, 65.

of the persons concerned. But before this letter had reached him, the District Attorney becoming impatient, had addressed two more communications to the President setting forth further details of the plot. On the day Jefferson's answer arrived, March 27, Daviess replied in a fourth letter in which he gave numerous details and declared the plot's outlines were "to cause a revolt of the Spanish provinces, and a severance of all the western states and territories from the union, to coalesce and form one government."<sup>20</sup> Some further efforts were made by Daviess to impress the President, but without conspicuous success.

Jefferson was, however, not unmindful of the fact that something unusual was taking place in the West, and he was not neglecting to find out what it was. He sent John Graham, secretary of the Territory of Orleans, as his personal agent to the western country to investigate the situation.<sup>21</sup>

While these various lines were being thrown out to apprehend Burr, he made his appearance in Lexington in October (1806.) Various rumors had preceded him as to his purpose; and so in order to cover his designs he gave out the report that he was interested in settling a large tract of land on the Washita River, known as the Bastrop grant.

While here he succeeded in negotiating bills of exchange through the Kentucky Insurance Company, which had banking powers to the amount of \$25,000.<sup>22</sup>

Daviess now determined to act on his own responsibility. The United States District Court met in Frankfort on the 3d of November, with Judge Innes presiding. On the 5th Daviess appeared before the bar and stated that he had "a motion to make, of great magnitude and importance, touching a transaction of a very extraordinary nature, as it related to the district, and to the whole union" and that "he had prepared an affidavit, on which his application would be grounded."<sup>23</sup>

He thereupon stated, "That the deponent is informed, and doth verily believe, that a certain Aaron Burr, Esq., late vice president of the \* \* \* United States, for several months past, hath been, and is now engaged in preparing, and setting on foot, and in providing and preparing the means, for a military expedition and enterprise within this district, for the purpose of descending the Ohio and Mississippi therewith, and making war upon the subjects of the King of Spain, who are in a state of peace with the people of these United States—to wit: on the provinces of Mexico, on the westwardly side of Louisiana which appertain and belong to the King of Spain, an European prince with whom these United States are at peace.

"And said deponent further saith, that he is informed, and fully believes that the above charge, can be, and will be fully substantiated by evidence, provided this honorable court will grant compulsory process to bring in witnesses to testify thereto.

"And the deponent further saith, that he is informed, and verily believes, that the agents and emissaries of the said Burr, have purchased up, and are continuing to purchase, large stores of provisions, as if for an army; while the said Burr, seems to conceal in great mystery from the people at large, his purposes and projects, and while the minds of the good people of this district, seem agitated with the current rumor that a military expedition against some neighborly power, is preparing by said Burr.

"Wherefore, said attorney, on behalf of the U. States pray, that due process issue to compel the personal appearance of the said Aaron

<sup>20</sup> Marshall, *History of Kentucky*, II, 402.

<sup>21</sup> Richardson, *Messages and Papers of the Presidents*, I, 413; *American State Papers, Miscellaneous*, Vol. XX, Part I, 528.

<sup>22</sup> Butler, *History of Kentucky*, 312.

<sup>23</sup> Marshall, *History of Kentucky*, II, 398.

Burr, in this court; and also of such witnesses as may be necessary on behalf of the said United States; and that this honorable court, will duly recognize the said Aaron Burr, to answer such charges as may be preferred against him in the premises; and in the meantime, that he desist and refrain from all further preparation and proceeding in the same armament within the said United States, or the territories or dependencies thereof." <sup>24</sup>

Daviess then entered into an argument and explanation in which he said, "The present subject has much engaged my mind. The case made out is only as to the expedition against Mexico; but I have information on which I can rely, that all the western territories are the next object of the scheme—and finally, all the region of the Ohio is calculated as falling into the vortex of the new proposed revolution." He also stated that Burr had drawn from Louisville, Lexington, and Bardstown money to the amount of \$200,000. <sup>25</sup>

He cited as authority for his action a federal statute which made it a high misdemeanor for any person within the territory or jurisdiction of the United States to "begin or set on foot, or provide or prepare the means for any military expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or state with whom the United States are at peace." <sup>26</sup> On so extraordinary a procedure as this, Judge Innes delayed his opinion, announcing that he would hand it down at a later date.

This delay seems to have taken Daviess aback. A correspondence immediately sprang up between the Judge and the District Attorney. On the same day that Daviess made his motion, Innes wrote him, explaining the unusual nature of the motion and his position on it. He said, "The importance and magnitude of the Motion made by you today relative to Aaron Burr esqr. requires the utmost caution and circumspection. The Motion is novel—a difficulty occurs as to the proper mode of proceeding in order to produce a regular legal inquiry. I do not know of any law which authorizes *the court* to exercise a right of inquiry previous to a trial." He asked, then, Daviess' opinion on certain parts of the Federal Judicial Act relative to specific and probable cause for action. <sup>27</sup>

On the following day Daviess replied that he thought the investigation should be held in court from the almost insurmountable difficulty of doing otherwise. Another reason he urged why the procedure should be held in court, was that it would be the quickest way to determine Burr's probable guilt. He felt that the evidence necessary to sustain an indictment could not be secured without the use of the compulsory processes of the court. He saw from this standpoint that his case was weak, and so he hoped to force the accomplices to develop enough to warrant an indictment. He stated that "If more positive affidavits as to guilty intentions are requisite; these I fear can only be drawn from accomplices who will not voluntarily depose." <sup>28</sup>

On the same day (November 6), Innes wrote Daviess asking for further enlightenment on certain other legal difficulties. He said, "The return day of the process being uncertain, will it not be *false imprisonment*, to hold a person in custody 'till the Witnesses are summoned and do attend?

"This idea is a strong reason why there should be evidence greater

<sup>24</sup> McMaster, *History of the People of the United States*, III, 66, 67; Marshall, *History of Kentucky*, II, 393, 394; *Palladium*, November 13, 1806.

<sup>25</sup> Marshall, *History of Kentucky*, II, 394; McMaster, III, 66, 67.

<sup>26</sup> Marshall, *History of Kentucky*, II, 394; *Palladium*, November 13, 1806.

<sup>27</sup> Innes MSS., Vol. 18, No. 1.

<sup>28</sup> Innes MSS., Vol. 18, No. 2.

than suspicion at the time of issuing a warrant & which the Judge would have a power to control & compel the attendance of."<sup>29</sup>

Daviess persisted in his demands for action through the court. On this same day, in a reply to Innes, he declared that true enough it was all a case of suspicion, and for that very reason Burr should be first examined in court as the only effective way of handling the matter. Furthermore, "For Mr. Burr to bring 1,000 stands of arms here is no offence. For him to buy supplies for an army is not offence—for him to engage 1,000 men to go with him for a year is no offence. The making a new settlement on a desert frontier, which is said now to be pretended, might render all these things innocent. But the doing of any one of them as a *preparation* for an expedition is an offence. So that after any supposed affidavit, you at least rest on belief and suspicion as to the *object and design*." He stated further that Burr "should be examined before you, and dealt with thereafter according to law."<sup>30</sup>

Daviess' persistent attempts to convince Innes of the legality and propriety of the motion was doomed to failure. A few days later the Judge handed down his opinion denying the motion. He explained at length the reasons for his action. There were four methods, he stated, by which to proceed against a person: first, by an application to a judge or justice out of court; second, by a preferring of an indictment before a grand jury; third, by the presentment of a grand jury; and fourth, by information. This came under none of the above classification. The discretion of a judge in so serious a case as this, he declared, ought not to determine the case; but rather it should be according to the legal form. "To award process would be improper—it would be an act of oppression; Because there is not legal evidence before the court to authorize an arrest of the person accused. The evidence is the oath of a person, who has been informed by one not upon oath, that the deponent believes the fact to be true. I have no doubt of the truth of the affidavit—that is, that the deponent has been informed of the fact stated—it is possible the fact as stated is true—yet it is not legal evidence, & not being legal evidence the Court cannot act upon it. Upon this view of the subject, I am compelled to declare; that as the case is a new one—as no precedent has been shown to justify such a proceeding—as the law is silent on the subject—& as there are two other modes of proceeding which are regular & well understood, viz. by applying to the Judge out of Court and obtaining a warrant upon legal evidence or by Court asking a Grand Jury to be summoned instanter & preferring an Indictment—this Motion is overruled."<sup>31</sup>

Daviess by his affidavit in open court had produced a sensation. In fact Frankfort had been on edge for the past few months concerning Burr's movements. Samuel Hopkins had written John Breckinridge on September 6, "I find our emporium is all in flame about a *Wonderful* conspiracy & I am sorry to see those implicated so inflammable and Restive, at least until 'tis ascertained what proofs will be adduced to support the charges against them."<sup>32</sup>

Interest in the situation was now greatly heightened.

Burr, who was at this time in Lexington, received notice of Daviess' move in an incredible short time.<sup>33</sup> He wrote Blennerhassett on November 6th stating that Daviess had applied for a warrant to apprehend him "for treasonable practice or on some suspicion thereof. The charge

<sup>29</sup> Innes MSS., Vol. 18, No. 3.

<sup>30</sup> Innes MSS., Vol. 18, No. 4.

<sup>31</sup> Innes MSS., Vol. 18, No. 5. Original MS. copy here. Text also in *Kentucky Gazette*, November 17, 1806, and *Palladium*, November 13, 1806.

<sup>32</sup> Breckinridge MSS. (1806.)

<sup>33</sup> It is said that he was notified within less than four hours. Marshall, *History of Kentucky*, II, 395. The distance was about thirty-five miles.

is not well defined by my informant, but the substance is, 'a design to attack the Spanish dominions, and thereby endanger the peace of the United States.'" He said he had not heard how the charge was supported, "but absurd and ridiculous as it may appear, the Judge has taken time until this day to consider if he should refuse to grant the warrant," and if he should, he "must expect a tornado of abuse from the 'W. World' and some other papers." He observed that it was unfortunate that a trial could not be held immediately, since it was "a proceeding on suspicion and previous to any inquiry by a grand jury."<sup>34</sup> Burr saw the possibilities of complications that might indefinitely delay his project if not otherwise greatly embarrass him. He wrote Judge Innes that he would appear in court within a day or two to confront his accuser and to meet his inquiry. He arrived in Frankfort in time to be present in court when Judge Innes handed down the foregoing opinion. His presence created a great commotion. With complete complacency he had run the possible risk of finding himself in the toils of the court; but he was quick to see that his safety lay in an immediate trial, before Daviess could verify his suspicions by collecting evidence, and indeed before Burr's preparations should have gone so far as to constitute *prima facie* evidence in themselves.

He won his first victory in the Judge's decision. He immediately saw the possibilities in the situation for consolidating his gains. In the meanwhile he had not allowed to escape opportunities for raising his standing among the crowd about the court. He had entered accompanied by Henry Clay, soon to be elected to the United States Senate, Thomas Posey, acting lieutenant governor, and Gen. Samuel Hopkins, member of the Legislature. He seized the opportunity for addressing the court and the crowd. He declared that the action of the District Attorney was extraordinary, that it was an attempt to interfere with his private business in a very unbecoming way, for he hinted that Daviess doubtless thought him to be out of the state, and would then take undue advantage of the situation. He commended Judge Innes for his opinion; and addressed him on the necessity of settling the question immediately. Burr stated that he had no reason to doubt that as soon as he should leave the state, the District Attorney would renew his efforts and that therefore he wanted an investigation of his conduct at once. Daviess replied that as Burr was voluntarily in court, the only further preparation for an investigation would be the calling of a grand jury and the summoning of witnesses. It was agreed that the trial should be held on Wednesday, November 11th. Daviess dispatched officers throughout the state to summon his witnesses.

Burr had assumed the offensive and had doubtless taken Daviess by surprise. By this turn in affairs the position of the District Attorney was made uncomfortable: the Judge's decision forced him into a mode of procedure little suited in cases of mere suspicion, and Burr's demand for an immediate trial gave him no time for the situation to develop. Burr had won completely with the crowd. According to an account of the day's procedure, "Col. Burr's deportment was very dignified and his observations concise and impressive." It was also observed that "public opinion in Frankfort appears much in favor of Col. Burr."<sup>35</sup>

Burr prepared for the day of trial by engaging as his counsel Henry Clay, who was already famous as a successful lawyer, and John Allen, now rising to fame.

A happening so extraordinary as the trial of an ex-Vice-President of the United States on charges of plans for grandiloquent conquests

<sup>34</sup> Safford, *Blennerhassett Papers*, 153, 154.

<sup>35</sup> *Kentucky Gazette*, November 10, 1806.

aroused the keenest interest throughout the state. As an interested contemporary put it, "fame had now full hold of the subject; and seldom has she been more profuse in the use of her many tongues, or impelled her messengers, on more rapid wings. On the day of expected trial Frankfort was crowded, and the court house gorged with citizens and strangers."<sup>36</sup> The press account of the day declared that the capital "was crowded with persons from all quarters, beyond any former example; all was eagerness and impatience."<sup>37</sup>

On the convening of court, the District Attorney immediately arose and asked that the trial be postponed as one of the most important witnesses, Davis Floyd, was necessarily absent, on account of attendance on the session of the Indiana Legislature, of which he was a member. As there was no business to come before the grand jury, Judge Innes dismissed it. The crowd that filled the court room and the yard outside was disappointed and chagrined—and this was immediately shown by their actions and utterances.

According to the *Palladium's* account, "The disappointment and chagrin of a crowded audience may be conceived, but the ridicule and laughter which followed was universal. The public sentiment which all along has been in favour of Colonel Burr, now burst forth without disguise."<sup>38</sup>

They were not only, thus, deprived of what they had expected to be a most interesting battle; but they also felt that Burr was not being justly dealt with by the postponement. At this juncture in the proceedings, Burr entered the court room accompanied by Clay and Allen, and on being informed of the postponement, requested that the reasons be entered on the records. He was quick to grasp the situation, and with great skill and composure, he rose and addressed presumably the court, but in fact the crowd. He hoped that the good citizens of Kentucky would not be misled into the belief that he was plotting against their peace and welfare. He assured them that the truth of his assertion would become evident immediately, if the District Attorney should ever get ready for the trial. In the meantime, despite the fact that his private business affairs led him out of the state he would await the opportunity to show in open court how groundless were the charges produced against him.<sup>39</sup> By the move and speech Burr completely vindicated himself before his audience—even the more skeptical were now won over. Humphrey Marshall, who believed Burr guilty and hoped to see him convicted, was forced to admit that "During these proceedings, the deportment of Colonel Burr was grave, polite, and dignified."<sup>40</sup> The *Palladium* was evidently very sympathetic toward Burr, and was claimed by some with being "an active, and not inefficient organ of concealment and misrepresentation for conspirators, contributing much to the general delusion."<sup>41</sup>

Daviess set to work to round up his witnesses again and to have the material and most important ones present when the trial should be attempted again. It required rather heroic courage and work to continue in the face of the almost universal sentiment for Burr, and the apparent snubbing and neglect from President Jefferson. Having learned that Floyd was back from Indiana, Daviess moved on the 25th of November for empanelling a new grand jury, using his former affidavit as a basis. This, unlike the first attempt, being the usual and

<sup>36</sup> Marshall, *History of Kentucky*, II, 396.

<sup>37</sup> *Kentucky Gazette*, November 17, 1806. Quoted from the *Palladium*.

<sup>38</sup> *Kentucky Gazette*, November 17, 1806. Account copied from the *Palladium*.

<sup>39</sup> Marshall, *History of Kentucky*, II, 397, 398; Butler, *History of Kentucky*, 312, 314.

<sup>40</sup> Marshall, *History of Kentucky*, II, 397.

<sup>41</sup> Marshall, *History of Kentucky*, II, 399.

accepted mode of procedure, was agreed to by Judge Innes. The day for the trial was set for December 2nd.

In the same period, Burr had been consolidating his gains and preparing for the final attack. Although represented by two of the foremost lawyers of the state, he attempted to retain a third in the person of John Rowan, being Secretary of State for Kentucky, and lately elected to the United States House of Representatives. Rowan declined on the ground that his recent election to Congress made it incompatible with his honor and strict fidelity to the General Government to appear in a case where that fidelity might be questioned. On Burr's refusal to take this as a final answer and attempt to enter into an argument, Rowan replied that he had long had the feeling that he ought not "to reason on subject which his feelings in the first instance condemned."<sup>42</sup> Clay also developed scruples on this same point. When he had appeared as counsel for Burr in the first attempted trial, he was a member of the Kentucky House of Representatives. But on the 18th of November he was elected to the United States Senate to fill the unexpired term of John Adair, who had resigned on the same day because he had been defeated for the new term to begin March 4, 1807. Clay now sought the advice of Rowan, as to whether he should continue to represent Burr. Rowan gave it as his opinion that it would be best to continue, since Clay had previously appeared in the case, but he advised further that a written statement should be exacted from Burr which should set forth on his honor "that he was engaged in no enterprise hostile to the peace or union of the country."<sup>43</sup>

In answer to Clay's request, Burr responded on December 1, in the following statement: "I have no design, nor have I taken any measure to promote a dissolution of the Union, or a separation of any one or more States from the residue. I have neither published a line on this subject nor has any one, through my agency, or with my knowledge. I have no design to intermeddle with the Government or to disturb the tranquillity of the United States, or of its territories, or any part of them. I have neither issued, nor signed, nor promised a commission to any person for any purpose. I do not own a musket or a bayonet, nor any single article of military stores, nor does any person for me, by my authority, or with my knowledge. My views have been explained to, and approved by several of the principal officers of the government, and, I believe are well understood by the administration, and seen by it with complacency; they are such as every man of honor and every good citizen must approve. Considering the high station you now fill in our national councils I have thought these explanations proper, as well to counteract the chimerical tales which malevolent persons have so industriously circulated, as to satisfy you that you have not espoused the cause of a man in any way unfriendly to the laws, the government, or the interests of his country."<sup>44</sup> Clay received this profession on its face value, as he had no reason to do otherwise, and agreed to continue in the case for Burr.

On December 2nd, the court convened for a second attempt to determine the guilt of Burr; and again did Daviess ask for a postponement. It happened that this time that John Adair was absent, and Daviess declared that his testimony was necessary to establish the charges. Clay rose and interposed a strong objection to further delay. He declared that Burr was innocent of the charges, and that he himself could vouch for it. His client had important business engagements

<sup>42</sup> Butler, *History of Kentucky*, 316.

<sup>43</sup> Butler, *History of Kentucky*, 315.

<sup>44</sup> *Works of Henry Clay*. Edited by Calvin Colton. (New York, 1904), Federal Edition, IV, 13, 14; Butler, *History of Kentucky*, 312, 317. The original letter is among the *Clay MSS.* owned by Miss Lucretia Hart Clay of Lexington.

that must be attended to, and furthermore, he ought not "to have to dance attendance on the attorney's motions and mock prosecutions from time to time, without knowing when he would be ready. How, indeed, should he be ready for trial, when he had nothing to investigate. He should be compelled to proceed, or dismiss and abandon the prosecution."<sup>45</sup>

Daviess replied with considerable heat and directness of expression. He declared that Burr and his counsel were attempting to force matters to a speedy conclusion without their right to do so; they were in court voluntarily—nobody had yet summoned Burr to appear. He was not yet indicted, and it was therefore not for him or his counsel to interfere with the procedure. He was in fact an intruder in court. Daviess closed his remarks with the intimation that he would be greatly pleased to know whether he must continue to expect to be interrupted and catechised as to his duties.

This precipitated a lengthy and spirited debate in which some other pointed remarks were made. Colonel Allen arose and said that he had a tongue and proposed to use it. He hoped that the freedom of speech was yet left, and he believed there was no better cause in which it could be used than to show how preposterous were the charges of the District Attorney. He was surprised that grave accusations should be brought against a man, and that interminable delays should be always interposed against a final hearing, when if the trial should ever come they might be brushed away with a breath. He believed Burr had as much right in court now as later; and he objected to the constant delay. Perhaps the District Attorney had no end of time, but it was not so with all other people. He demanded that the grand jury be released unless the case should be proceeded with at once.

Clay continued the argument by asking if this was still a land of despotic rule and alien and sedition laws, whether the District Attorney thought that he was the only person who had rights. No one, he declared, had special and exclusive rights in the courts of justice, nor need any one sit by and see his intentions questioned and a net spread for his liberties, without the right of defense. As to being intruders, he would state that the accused had duties as high and as honorable to perform as the prosecutor. Colonel Burr should not be forced to remain under the shadow of a grand jury which had made no indictment, and which might never make one. He demanded that the trial should proceed or that the jury be dismissed and the prosecution abandoned. He brought the issue to a point by asking Judge Innes for a definite opinion.

Daviess was forced to fight alone the able counsel of Burr and to labor against a hostile audience. He however made a spirited reply. Indeed, this was a land of liberty and of license too. Men not only might talk as they pleased but act as they pleased. It was a land of intrigue and a refuge for those who engaged in it, where the guilty might go unquestioned and unpunished—all because the time necessary to establish their guilt might not be had. It was easy to see why Burr wanted to hasten the proceeding. If time were not given to secure witnesses, certainly his guilt could not be proved; and a little delay was all that he desired, for then he expected to be in a position to defy courts and their processes. He again declared that Burr had no business in court, that he was not yet indicted, that he was not yet a defendant, and that he could, therefore, claim none of the rights of a defendant. If the court should compel immediate action, it would in effect be clearing Burr, for it would thereby be forcing a trial before the evidence had been gath-

<sup>45</sup> Paraphrase by Humphrey Marshall in Marshall, *History of Kentucky*, II, 404, 405. Marshall was present during the Burr trials and gives a detailed account of the arguments.



ered. Should the jury be dismissed and the witnesses already present allowed to go, an end would be put to any further effective effort to indict Burr. Furthermore, Burr need not consider that the jury was sitting solely to indict him. Evidence against others conspiring with him might conceivably come before that body. Therefore, he need not consider the continuance of the grand jury was necessarily a menace against himself.

The court decided that the District Attorney must proceed with some business before the grand jury or it would be released. The jury then held a sitting, and soon reported that there was no business before it. Daviess, thereupon, announced that he would lay an indictment before it the following morning. He had been virtually forced against the wall by Innes' decision; but his resourcefulness won temporarily. He moved that an attachment forthwith issue against General Adair, for contumacy in not appearing as a witness when called. Burr's counsel objected to this interpretation, by showing that Adair had been summoned for no particular hour of the day, and as the day was not yet done, he was not guilty of the charge preferred. Although this was a rather fine spun technicality, Judge Innes admitted its force and refused to grant the attachment. By this move Daviess had hoped to secure the person of Adair in court, where he then expected to wring evidence that would convict Burr and afford an indictment for the grand jury.

Daviess was making a determined fight against great odds; he was trying to build a case on strong suspicions but with evidence exceedingly elusive—as indeed it has been relative to Burr's exact intentions to all subsequent investigators. Burr's masterful handling of his case, and the opportune situations which he took advantage of had early won the great majority of the people over to his side. The results of the first day of the second inquiry greatly strengthened his hold upon them. The friendly *Palladium* said, "Colonel Burr, throughout his business, has evinced an earnest desire for a full and speedy investigation free from irritation or emotion; he excited the strongest sensation of respect in the breast of every person present."<sup>46</sup>

On the following day (December 3rd) when the court assembled, Daviess presented his indictment of Adair to the grand jury. He charged him with being a fellow conspirator with Burr and equally guilty. This was presented in an affidavit very similar to the one issued against Burr. After some deliberation the jury reported "Not a true bill." Thus, did Daviess meet with failure again; but he succeeded to the extent that Adair appeared in Frankfort and thereby made it possible for the District Attorney to proceed with his main case against Burr.

The critical period had now arrived; Daviess had exhausted his resources. Now if ever, he would secure the indictment of Burr. He must have had many misgivings as to the outcome. During the recess of court, he had an interview with Innes in which he sought to gain permission and establish his right to go before the grand jury in person and examine the witnesses before that body. It seems that Innes expressed the opinion that that procedure might be carried out. But when the court convened again, and when Daviess sought to establish that right in open court, Burr and his counsel strenuously objected. A heated argument resulting in Innes' denial of the right. He further observed that during the period he had been attorney general for the District of Kentucky he had never claimed or exercised that right. Daviess thereupon confronted him with the statement that he must have two opinions on the question, "the one private and confidential, the

<sup>46</sup> Quoted in Butler, *History of Kentucky*, 312, 317.

other public and official." He now began to feel that surely his cause was hopeless.

Nevertheless he proceeded with the case and presented the following indictment:

"United States of America, Kentucky district, to wit: The grand jury of the United States in and for the body of the said district, do on their oaths present, that a certain Aaron Burr, late of the city of New York, and Vice President of the said U. S. did with force and arms, at the county of Fayette, in said district, on the twenty-fifth day of November last past, wilfully and unlawfully, and from evil premeditation, then and there set on foot, and prepare for a military expedition against the dominions of the King of Spain, who is an European prince, at peace with the said United States, to wit: against the provinces of the said King, in North America, contrary to the laws of the said United States, in such cases provided, and against the peace and dignity thereof.

"And so the Jurors aforesaid, upon their oath aforesaid, do say that present, that the said Burr did at said districts to wit: At the County of Jefferson, on the day and in the year aforesaid, then and there, wilfully and unlawfully, with force and arms, prepare and provide the means for carrying on a military expedition and enterprise against the dominions of the King of Spain aforesaid, who is at peace with the said United States to wit: the provinces in North America, which are of the dominions of the said King of Spain, contrary to the laws of the United States, in such cases provided, and against the peace and dignity of the said United States.

"And so the jurors aforesaid, upon their oath aforesaid, do say that the said Aaron Burr, is guilty of the misdemeanors aforesaid, contrary to the laws of the United States, and against the peace and dignity thereof."<sup>47</sup>

As Daviess had been prevented by Innes' decision from appearing before the grand jury to conduct the examination of the witnesses, that body retired to make its own investigations, and to frame its verdict. No official report of the proceedings of the grand jury was, of course, ever made; but it is known that Wood and Street, editors of the *Western World*, who had been very active in their accusations, appeared with other witnesses to present their testimony. Whatever evidence adduced strangely failed to convince the twenty-two grand jurors, so on December 5th they presented to the court their verdict "Not a true bill."<sup>48</sup> In explanation of their decision, they attached the following report:

"The grand jury are happy to inform the court, that no violent disturbance of the public tranquillity, or breach of the laws, has come to their knowledge.

"We have no hesitation in declaring, that having carefully examined and scrutinized all the testimony which has come before us, as well on the charges against Aaron Burr, as those contained, in the indictment preferred to us against John Adair, that there has been no testimony before us, which does in the smallest degree criminate the conduct of either of those persons; nor can we from all the inquiry and investigations of the subject discover that any thing improper or injurious to the government of the United State or contrary to the laws thereof is designed or contemplated by either of them."<sup>49</sup>

This was a complete vindication of Burr, and coming as a rather extraordinary procedure of a grand jury, it brought down on that body

<sup>47</sup> *Palladium*, December 11, 1806. Quoted in McElroy, *Kentucky in the Nation's History*, 306, 307.

<sup>48</sup> Brown, *Centennial of Frankfort*, 28-30; Marshall, *History of Kentucky*, II, 410; McMaster, *History of the People of the United States*, III, 68, 69, gives a distorted and misleading account of the Burr episode in Kentucky.

<sup>49</sup> Marshall, *History of Kentucky*, II, 410.

the reproach and condemnation of the friends of the District Attorney. Humphrey Marshall, who was in Frankfort during the trial, admitted that the jurors had since been "considered respectable, and intelligent," but observed their manifesto deserved reproach. "If it had been drawn up by Colonel Burr, or one of his attorneys," he declared, "and put into the hands of the jury, for the purpose of public deception, it could not have answered the purpose more effectually. It was truly mortifying to find the jury become the dupes and instruments of Burr, and his lawyers, unsuspecting no doubt, to exalt him, and depress the public attorney."<sup>50</sup>

Burr's counsel asked that a copy of the jury's report be taken and published. Judge Innes allowed it without hesitation. The greatest exultation and rejoicing swept over the court room. It seemed that Burr was the most popular man in Kentucky. A magnificent reception and ball was held for him where the high and the low rejoiced in the presence of a popular hero. Not to be outdone the friends of Daviess held a like gathering to show their appreciation and respect for a fearless public servant who had combatted single-handed the most crafty politician of his day and the greatest legal talent of the state. Humphrey Marshall with the wish father to the thought characterized this meeting as "More numerous attended, it was said, and especially by the ladies." Rivalry among the two parties ran high for a time; and at one gathering, Street one of the editors of the *Western World*, was bodily attacked with a view to ejecting him from the hall.

In the meanwhile preparations for the expedition had been steadily going on; Burr's agents were busily collecting boats and munitions of war while their chief was with magnificent skill allaying all suspicions and routing his enemies. Blennerhassett was in Lexington in October, 1806, making preparations for what he seemed to think was primarily a great commercial scheme. At this time he wrote to connections in Philadelphia in an attempt to borrow from \$8,000 to \$10,000, declaring that he had "found in this place [Lexington] a most valuable opportunity of participating with some friends of the first respectability and resources in the Union, in a commercial and land speculation."<sup>51</sup>

But the national importance of Burr's scheme was now fast dawning on Jefferson. Wilkinson, who had already come to see that the scheme must prove a failure, double-crossed Burr by sending a messenger to the President laying bare enough information to alarm Jefferson but falling far short of incriminating himself. Jefferson's agent who had been sent into the Ohio valley to investigate had soon sized up the situation as serious and as calling for immediate attention. He called on Governor Tiffin of Ohio to seize the boats outfitting in his jurisdiction. The Ohio Legislature immediately passed an act, under which the militia were called out to intercept the expedition. A number of boats were seized at Marietta at the mouth of the Muskingum River; but a small flotilla which had assembled on Blennerhassett's Island, a dozen miles down the Ohio, succeeded in getting away. The militia arriving too late, unnecessarily and wantonly sacked Blennerhassett's estate and committed other depredations. Burr had now left Frankfort accompanied by General Adair for Nashville. He had expected to secure reinforcements here to float down the Cumberland there to join the flotilla coming down the Ohio. It had also been originally planned that Adair should lead 6,000 troops to the same rendezvous; but conditions had so changed by this time, that he left overland for the lower Mississippi Valley while Burr according to original plans

<sup>50</sup> Marshall, *History of Kentucky*, II, 410, 411.

<sup>51</sup> Safford, *Blennerhassett Papers*, 142, 143. Blennerhassett to James S. Lewis & Company, October 18, 1806.

proceeded down the Cumberland to assume the leadership of the expedition gathering there.<sup>52</sup>

But in the meanwhile other affairs of great importance to Burr were transpiring. On November 27th, two days after receiving Wilkinson's message, Jefferson issued a proclamation "warning and enjoining all faithful citizens who have been led without the due knowledge or consideration to participate in the said unlawful enterprises to withdraw from the same without delay, and commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein, as they will answer the contrary at their peril and incur prosecution with all the rigors of the law."<sup>53</sup> Burr was yet to win his famous victory in the Frankfort trial (December 5th), when this proclamation was started westward. A proclamation which, however, did not mention Burr's name. Jefferson's agent, after securing the co-operation of the Ohio governor and legislature, hastened to Kentucky on like business. The Kentucky Legislature had met in early November, and had thus been in session throughout the period of the Burr inquiries in Frankfort. In compliance with the agent's request, the Legislature passed a bill similar to the Ohio law; and detachments of militia were immediately sent to different points on the Ohio to intercept the passing boats. It was however now too late, as the few boats that escaped detention on the Ohio had already passed; and David Floyd, with a boat or two from Louisville, had already departed.<sup>54</sup>

As far as Kentucky was directly involved, the Burr episode had now passed out of state concern to soon become the center of national interest in the memorable trial in Richmond. It is sufficient here to say that Burr soon found himself deserted, and his prospects for further accomplishments shattered. On reaching Natchez with his little fleet of thirteen flatboats and sixty men, he was stopped by adverse circumstances, and to make matters worse the civil authorities presented him for indictment before the grand jury. Again through his great complacency, self-possession and skill he won the sympathy and admiration of that body, and it not only refused to indict him, but intimated that an apology was due him for the inconvenience. Due to certain legal irregularities used by the authorities in their attempt to hold Burr, as claimed by him, since he was now freed by the action of the grand jury, he believed he was being persecuted and so he resolved to escape to the province of West Florida and there find passage abroad. He slipped out of Natchez in disguise, and had almost reached his destination when he was recognized and arrested near Fort Stoddert. He was taken to Richmond for trial. Just as the evidence against him had been elusive and inconclusive in the various legal proceedings against him heretofore, so it was in Richmond where he was tried for both treason and misdemeanor, where the greatest judge of his day presided, and where the best legal talent of the nation prosecuted and defended.<sup>55</sup> Burr was acquitted; but his political career was forever ended. He died in poverty and obscurity more than a quarter of a century later.<sup>56</sup>

Blennerhassett, his deluded dupe, spent what ready money he had on the enterprise, believing it to be a land speculation, and lost his beautiful Ohio River island estate. He also ran into legal difficulties

<sup>52</sup> "Burr's Conspiracy Exposed and General Wilkinson Vindicated," Vol. II, in *Memoirs of General Wilkinson*, *passim*.

<sup>53</sup> Richardson, *Messages and Papers of the Presidents*, I, 404, 405.

<sup>54</sup> *Memoirs of Wilkinson*, Vol. II, *passim*.

<sup>55</sup> John Marshall presided, William Wirt was the chief counsel for the prosecution, and Luther Martin was for the defense. John Randolph of Roanoke was foreman of the grand jury.

<sup>56</sup> He died in New York City in 1836.

in Kentucky as well as in Richmond. A civil proceeding was commenced against him in Lexington concerning his "endorsement of some of Burr's bills." Henry Clay was retained as counsel. He made a ringing speech in the Lexington court in which he strongly protested against "the mode which had been pursued by the court." Blennerhassett also addressed the court and according to the hostile *Western World* "He made an affecting appeal to the citizens of Lexington, which would have been very favorably received, had not the high crimes with which he was charged forcibly rebutted it."<sup>57</sup> He was taken to Richmond for further investigation. A bill was rendered to the Federal Government for \$500 for guarding and conducting him from Lexington to the Virginia capital and for other expenses. The Lexington jailor entered a bill of \$2.04 for his keep in the jail for six days.<sup>58</sup> Pursued by ill fortune to the very end, Blennerhassett lived for over two decades after his ambitions for greatness had been shattered by the bursting of the Burr bubble. He ever afterwards felt bitter toward the man who had seduced him from his happy Ohio island estate.

Joseph Hamilton Daviess was vindicated in the subsequent course of events, to the extent that the National Government attempted to do exactly what he had sought to accomplish a month or two earlier. He also saw the Federal Court in Richmond fail, just as had the District Court failed at Frankfort, although the former had the evidence which he saw could be developed only by time, and for the obtaining which he had sought to delay the court proceedings in the Kentucky capital. To this extent, then, the Daviess' attempt was premature. Of this, Jefferson said in his message to Congress, January 22, 1807, "In Kentucky a premature attempt to bring Burr to justice without sufficient evidence for his conviction had produced a popular impression in his favor and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments."<sup>59</sup> Daviess soon was removed from the position of district attorney, and the report inevitably spread among his friends that this was his reward for being a fearless public servant. But this need not necessarily have been the cause of his removal, for Jefferson had established the policy of bringing about a parity in the government civil service between the two parties, and to effect this made certain removals of Federalists, especially marshals and attorneys, Daviess continued the practice of law until the rising Indian troubles in 1811 drew him to volunteer under Gen. William Henry Harrison from whom he received the commission of major. In the celebrated battle of Tippecanoe which soon followed, he was killed in a gallant charge against the Indians. His death occasioned a shock throughout the state. Four years later his state perpetuated his name in one of its counties.<sup>60</sup>

The practice in certain quarters of accusing Kentucky of disloyalty on every occasion possible had not yet fallen into disuse; and it was only to be expected that Kentucky's part in the Burr episode would be worked over-time by her revilers. A mass meeting in Lexington in January, 1807, after listening to patriotic addresses, adopted the following resolution, "That all charges & insinuations against the people of this State, of dissaffection to the Union or Government of the United States, are gross misapprehensions and without foundation."<sup>61</sup> There cannot be the slightest question that the sympathy for Burr and his popularity in Kentucky during the legal procedure against him in Frankfort was based

<sup>57</sup> Safford, *Blennerhassett Papers*, 268-270.

<sup>58</sup> *Innes MSS.*, Vol. 18, No. 14.

<sup>59</sup> Richardson, *Messages and Papers of the Presidents*, I, 415.

<sup>60</sup> For a sketch of the life of Daviess see Collins, *History of Kentucky*, II, 154, 156.

<sup>61</sup> *Palladium*, January 8, 1807. Quoted in McElroy, *Kentucky in the Nation's History*, 314.

on any other considerations than a feeling that he was being unjustly persecuted and harassed by a political enemy. In further proof of this, it need only be recalled that Burr was not popularly received in the state until he was set upon by the District Attorney. And as for the aid actually given to the Burr scheme in Kentucky, there also can be but little question that it was offered in the belief that an expedition was preparing against the Spaniards of unsavory memory, and in nowise connected with a disruption of the Union of the States. Twenty years later, Clay wrote of this: "When the grand jury returned the bill of indictment not true, a scene was presented in the Court-room which I had never before witnessed in Kentucky. There were shouts of applause from an audience, not one of whom \* \* \* would have hesitated to level a rifle against Colonel Burr, if he believed that he aimed to dismember the Union, or sought to violate its peace, or overturn its Constitution." <sup>62</sup>

Clay as well as Allen in their defense of Burr were honestly deceived as to his intentions. As before noted, the former demanded an explicit statement from Burr as to his intentions, and the answer he received he had no reason to doubt. Clay wrote Thomas Todd on January 24, 1807, from Washington, "I do not believe that any censure has fallen upon the Judge, or the Counsel appearing in the defense of Burr, for the result of the prosecution. I mean censure from the government. The institution [of the] prosecution, at the particular moment is supposed to have been ill-timed and injudicious." <sup>63</sup> Clay was now thoroughly convinced of Burr's guilt. He wrote on February 15th from Washington, "No doubt is now entertained here of his having engaged in schemes of the most daring and illegal kind. Having left Kentucky under a belief that he was innocent, it was with no little surprise upon my arrival here that I found that I had been deceived." <sup>64</sup> Clay never forgave Burr for this deception. It is said that years later the two met face to face in the city hall in New York City and that Burr extended his hand to greet Clay, but that the latter ignored his friendly approach. <sup>65</sup>

Burr's scheme, whatever it was, forms little more than an episode in state and national history. For a time it loomed large; a year passed and it was all but forgotten except for its mystery and its romance. It had the direct result, however, of showing that the West was loyal and satisfied with the Union.

<sup>62</sup> *Private Correspondence of Henry Clay*. Edited by Calvin Colton (New York, 1855), 207. Clay to Pindell, October 15, 1828.

<sup>63</sup> *Innes MSS.*, Vol. 18, No. 21.

<sup>64</sup> *Works of Henry Clay*, IV, 14, 15. Clay to Thomas M. Prentiss.

<sup>65</sup> *National Cyclopaedia of American Biography*, III, 6, 7.

## CHAPTER XXXVIII

### THE SEQUEL TO THE BURR CONSPIRACY: KENTUCKY LOYALTY TO THE UNION

Between the first and second trips Burr made to the West, an event took place, insignificant in itself, but of vast consequences in the state for the following few years. This was the founding of the *Western World* in Frankfort by John Wood and Joseph M. Street. The former had been a resident of New York where he had been engaged in the newspaper work and other literary activities, and where he had had certain connections with Burr. In 1805 due to certain hostilities he had stirred up in the East he left for Richmond. Here he met a young newspaper man, and interested him in setting up a newspaper in Kentucky or New Orleans. Street, for he was the man, readily consented to enter the venture, and so they soon departed for the West. In the summer of 1806 they arrived in Frankfort, and represented themselves as anxious to set up a newspaper with democratic principles. As the cost of a printing press was more than they could bear at this time, they were able to make arrangements with William Hunter, editor of the *Palladium* to use his press.

For certain reasons of policy, Wood desired to remain in the background, and so the *Western World* was published under the firm of J. M. Street & Company. The first issue appeared in the early days of July, and attracted at once widespread attention and comment. Wood had, while in New York, been privy to certain plots directed against Spain's possessions in the New World, among which were certain wild schemes of the mysterious Francisco de Miranda, a Venezuelan revolutionist and patriot.<sup>1</sup> To this knowledge, he added certain established facts which he learned in Kentucky concerning Wilkinson's trail of intrigues, and certain rumors about the alleged questionable dealings of Sebastian, Brown, Innes, and others. With this conglomerate mass of facts and fancies, the editors of the *Western World* concocted an amazing tale of Spanish intrigues and conspiracies beginning before Kentucky became a state and not yet ended. From the first, without fear or favoritism, they flung out sweeping statements involving the most prominent men of the state in the "Spanish Conspiracy" and leaving a feeling among others that their turn was soon to come. The edition for July 7, 1806, stated that "It is merely our intention to develop a conspiracy, the seeds of which were planted with the first settlers in Kentucky, which are still growing and if ever brought to maturity, will affect the interest, not only of the western continent, but of the known world."<sup>2</sup>

The articles on the "Spanish Conspiracy" that appeared in the succeeding numbers of the *Western World* were published in the *Kentucky Gazette* almost to the exclusion of other material at times. As there seemed to be no end to these articles the *Gazette* editor soon announced that he would publish no more of the wild imaginations of

<sup>1</sup> G. H. Payne, *History of Journalism in the United States*. (New York, 1920), 207.

<sup>2</sup> Copy in University of Chicago Library.

Street and Company. The *Western World* editors were soon the object of attack both by word and weapon. "Cincinnatus" addressed to them the following communication: "You have attempted by the vilest arts, and without the least shadow of proof, to stigmatize with eternal opprobrium the brightest characters that adorn our country. By publishing poisonous and inflammatory libels, you have endeavored to brand with indelible infamy, men who have endangered their lives in order to maintain the liberties, and advocate the honor and happiness of their country."<sup>3</sup>

Challenges for duels at once began to pour in on Street, who soon overshadowed Wood in the accusations, to such an extent that he announced that he would file them in the order received and would "from time to time give a list of them in the *Western World*, for the information of the public at large."<sup>4</sup> George Adams, a man of considerable prominence and political opponent of Humphrey Marshall and who defeated him three years later by 76 majority for state representative from Franklin County, boldly assaulted Street, with two pistols. Street repelled his attack with a dirk after having received a wound from one of the pistols. Both were placed under arrest, but Adams found no difficulty in getting bondsmen. Street was on the point of being lodged in jail, when Humphrey Marshall and Joseph Hamilton Daviess came to his rescue by affording him the necessary bond. In the trial that followed, Street was acquitted, while Adams was declared guilty; but through a technicality in the indictment he was freed.<sup>5</sup>

Such happenings served only to increase the popular interest in the *Western World*, with the result that within four months after it had been founded, the subscriptions had grown to 1,200.<sup>6</sup> When Street turned the force and influence of the paper against Burr as he soon did, Wood attempted to cause him to desist, but without success. A short time thereafter, he divested himself of his interests in the *Western World* and left the state. Street after a few years, was beset with so many libel suits that he found himself impoverished. He left the state for work among the Indians of Wisconsin.<sup>7</sup>

The immediate concern of the *Western World* was to bring about some tangible results from its wholesale exposure. Benjamin Sebastian, a justice of the Court of Appeals, appeared to be the easiest target. Charles Wilkins, a Lexington merchant who had commercial connections in Natchez, was in that town in 1804, and in examining some papers of a Mr. Seitz found a draft drawn by Sebastian on the Spanish government.<sup>8</sup> This rumor had been whispered about until in 1806 it was seized upon by the *Western World* and was made the basis of a definite charge against Sebastian. An address to the Legislature was secretly printed charging Sebastian with being a pensioner of Spain, and calling for an inquiry. Some of these copies were taken to Versailles where signers were obtained. William Blackburn, a representative of Woodford County in the Legislature, then took the addresses in charge and showed them to other members. The evidence then in hand seemed so compelling and conclusive that Samuel McKee, a representative from Garrard County, on November 2, (1806), agreed to offer a resolution to this effect:

"Resolved, That a committee be appointed to inquire into the conduct

<sup>3</sup> *Kentucky Gazette*, October 2, 1806.

<sup>4</sup> Payne, *History of Journalism in the United States*, 207, 208.

<sup>5</sup> Marshall, *History of Kentucky*, II, 378.

<sup>6</sup> Payne, *History of Journalism in the United States*, 207, 208.

<sup>7</sup> Payne, *History of Journalism in the United States*, 207, 208. See Innes MSS., Vol. 18, No. 36, *passim*, for trials in which Innes and Street featured.

<sup>8</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 925; Brown, *Centennial of Frankfort*, 31-33.



of Benjamin Sebastian, one of the judges of the court of appeals, for this commonwealth, and to report their opinion to this house, whether the conduct of the said Sebastian, when acting in his office aforesaid, has been such as to require the interposition of the constitutional power of this house." <sup>9</sup>

John Pope moved a substitute whose main import was substantially the same but whose wording seems to have been more logical. This contemplated action by the Legislature to some seemed a rather bold and dangerous procedure. They believed that the highest judicial officer of the state should not be thus dealt with without some direct evidence or affidavits to warrant it. Pope replied that this resolution called for only an investigation and that it was not different from the usual procedure. He stated further that he was convinced that the charges were true from certain information he had received from a gentleman of respectability in Lexington. Blackburn offered as further evidence the addresses which had been signed by Woodford County citizens, and declared he would use them as his reasons for voting for the resolution. When the question was put to a vote it was carried, and so the investigation was ordered.

This move greatly agitated Sebastian and others who had a considerable knowledge of the Spanish intrigues. It was sensed immediately that the whole affair would be unearthed by the investigating committee, and that an incorrect interpretation might be placed on the knowledge that certain ones had of the intrigues, and though innocent of any crime, that they might be made to suffer. An attempt was made to delay the investigation, under the pretense of giving Sebastian time to prepare for his defense. As this attempt failed, the Judge determined to resign his seat, as a last resort to halt the investigation. Governor Greenup informed the committee of Sebastian's action, but it refused to desist from the inquiry.

Witnesses were called, and the whole story of the intrigues of the Spaniards with Sebastian and other Kentuckians was developed, largely as set forth in a preceding chapter of this work.

The evidence was so complete and conclusive that the committee was unanimously convinced of Sebastian's guilt of being a pensioner of the Spanish government.<sup>10</sup> It delivered the following report to the House: "Whereas your committee does not hesitate to declare, as their opinion, that the information given to the House of Representatives is substantially true and correctly detailed; and that the said Judge Sebastian is guilty of having for several years received from the Spanish government a pension, paid in cash annually, to the amount of \$2,000.

"Your committee further report, as their opinion, that whilst Judge Sebastian was in the exercise of his office in this State, and drawing his annual salary therefrom, he was employed in carrying on, with the agents of the Spanish Government, an illicit, unjustifiable, and highly criminal intercourse, subversive of the duty he owed to the constituted authorities of our country, and highly derogatory to the character of Kentucky."<sup>11</sup> This report was unanimously agreed to by the fifty-three members present.<sup>12</sup> Thereupon Felix Grundy moved the following resolution, which was agreed to: "Whereas it appears to this House that since the institution of the inquiry into the charges exhibited against Benjamin Sebastian, Esq., that the said Sebastian has resigned his office of Judge of the Kentucky court of appeals: *Resolved, therefore, That*

<sup>9</sup> Marshall, *History of Kentucky*, II, 380.

<sup>10</sup> The evidence on which the conviction was based is found in *American State Papers, Miscellaneous*, Vol. XX, Part I, 924-934.

<sup>11</sup> *American State Papers, Miscellaneous*. Vol. XX, Part I, 933.

<sup>12</sup> Ten were absent.

any further proceeding to effect the removal of the said Sebastian from office is rendered unnecessary."<sup>13</sup>

Sebastian soon fell into obscurity. He was now more than ever in need of a Spanish pension; and it is not known certainly that the Spaniards ceased to pay it. It is not without interest to note in this connection that Power's preliminary treaty delivered to Sebastian in 1797 contained the following clause: "Moreover, should such persons as shall be instrumental in promoting the views of His Catholic Majesty hold any public employment, and in consequence of taking an active part in endeavoring to effect a secession, shall lose their employments, a compensation, equal at least to the emoluments of their office, shall be made to them by His Catholic Majesty, let their efforts be crowned with success, or terminate in disappointment."<sup>14</sup>

This may be said in extenuation of Sebastian's relations with the Spaniards, that his direct negotiations were not political in character and that there was no direct mention of a separation of Kentucky from the Union.<sup>15</sup> That the Spaniards had this as an ultimate purpose cannot be doubted, however, Sebastian saw in the Spanish bid a possibility of settling a most vexatious problem, which the Federal Government had not yet been able to solve; and, he no doubt hoped to render a genuine service to his people in entering the negotiations. This view was taken by some of the annalists of his day.<sup>16</sup> But Sebastian felt bitterly the public censure and opprobrium heaped upon him. In a letter to Innes in 1808, he lamented the fact that a person could not communicate "on subjects of public or private concern, without inciting the suspicion & censure of an infernal set of rascals who delight in discord and confusion & who would rather involve all mankind in indiscriminate ruin than not given vent to the spleen and malice of their \* \* \* vindictive Souls."<sup>17</sup>

The Legislature that investigated Sebastian and declared him guilty was the same body that noted from day to day the excitement in Frankfort and throughout the state generally produced by the efforts of Daviess to bring Burr to justice. It seemed that the state was indeed sorely beset by unfortunate circumstances, sure to be interpreted in the East as an indication of the vanishing patriotism of the West. To counteract any such impressions and restate the position of the commonwealth, the Legislature on December 4 (1806), the day before Burr's acquittal by the grand jury and two days prior to the report on Sebastian, unanimously passed the following resolutions: "Whereas it is considered of importance that citizens living under the same Government should be correctly informed of the views and intentions of every portion of the community; and as the sentiment of the people of Kentucky may be misunderstood by those who, from their remote situation, have not an opportunity of judging of the disposition which the citizens of this State entertain toward the General Government; and as an expression of the public will, through their representatives, is deemed the most effectual mode to prevent any misapprehension of our sentiments, which might be occasioned by the conduct of individuals, or might grow out of misrepresentations.

"Resolved, therefore, by the General Assembly, that the people of Kentucky feel the strongest attachment to the Federal Government, and consider a dismemberment of the Union as the greatest evil which

<sup>13</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 933. *Innes MSS.*, Vol. 18, Nos. 21, 22.

<sup>14</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 928.

<sup>15</sup> The above mentioned preliminary treaty was summarily rejected by the Kentuckians privy to its contents.

<sup>16</sup> For instance Hall, *Sketches of the West*, II, 29-35.

<sup>17</sup> *Innes MSS.*, Vol. 19, No. 79. Written from Belmont, April 12.

could befall them, and would view with abhorrence any individual or set of individuals, who should attempt to separate us from those whose interests are so intimately connected with our own, and for whom the people of Kentucky entertain an unchangeable attachment, arising from a lively recollection of their united efforts for liberty.

*"Resolved*, That the people of Kentucky have an entire confidence in the present administration of the General Government, and have no doubt that such measure will be pursued as are best calculated to secure us peace and tranquility, and at the same time preserve our national honor from insult.

*"Resolved*, That the Governor of this State be requested to transmit copies of the foregoing resolutions to the President of the United States, to the Executives of the different States, and to our present Senators and Representatives in Congress."<sup>18</sup>

As further proof of its desire to have the United States Government thoroughly and correctly informed as to affairs in Kentucky, the Legislature transmitted to the President and to the congressional delegation of the State, Transcripts of the evidence taken in the Sebastian investigation.

The legislative investigation that had brought about the conviction of Sebastian led directly to certain proceedings with regard to Harry Innes, judge of the Federal Court for the District of Kentucky. Innes had been one of the principal witnesses summoned before the investigating committee and it was largely through his evidence that Sebastian had been conclusively proved guilty. He had not relished the investigation, for he saw that it would be inevitably necessary for him to tell many things which would tend to implicate himself; and Sebastian had resigned in an effort to stop the inquiry in order to save Innes.

Two questions were put to him. The first was: "Do you or do you not know of Mr. Sebastian's receiving money from the Spanish Government, or of any officer of that Government, and at what time?" Innes replied that Sebastian had admitted to him during the first week of the session of the court of appeals in October (1806), that he had been receiving a pension "in consequence of the business which induced him to go to New Orleans in 1795." The second question was the one that caused Innes much perturbation. It was: "Have you knowledge of any negotiation which was entered into, or attempted, by Mr. Sebastian, and the Spanish Government at New Orleans, or with any officer of that Government? If you have depose as to these facts." Without necessarily being guilty of any improper conduct in the affair, he knew that the facts which he would have to relate would nevertheless make it difficult to escape that impression. He admitted that he did have knowledge of such negotiations; but first requested that the committee recall to mind the state of the public feeling at that time, which he proceeded to describe. He then produced copies of letters and documents concerning the negotiations in 1795 and 1797, as brought out in a previous chapter of this work.<sup>19</sup>

As the country had not known of Innes' part in the negotiations until now, a rather painful impression was produced concerning him. He, himself, was greatly agitated as to what should be done. He addressed Clay, and in answer was assured that the latter believed him honest, sincere, and patriotic. Clay ventured to say that he might, however, have informed the United States of the Spanish proposition. As to a Congressional investigation, he did not believe that Congress should notice the charges now—at least while every one was wrought up over the Burr troubles, if ever.<sup>20</sup>

<sup>18</sup> See *American State Papers, Miscellaneous*, Vol. XX, Part I, 933.

<sup>19</sup> See *American State Papers, Miscellaneous*, Vol. XX, Part I, 925 et seq.

<sup>20</sup> *Durrett MSS.* Written from Washington, January 16, 1807.

Humphrey Marshall, a bitter political as well as personal enemy of Innes, was greatly exercised that "Judge Innis, the coadjutor of Sebastian, remained unmolested; and even uncensored, by any expression of opinion, on the part of any public functionary."<sup>21</sup> He further observed that in order "to free Kentucky from the reproach of quiet submission to a self-convicted, illicit intrigue with a foreign power, for partial treaties, and dismemberment of the union in effect—while he was the only judge of the United States' court; holding in chains, the criminal justice of the government; and in order to have this judge, thought to be totally unworthy of his place, and a disgrace to the state, tried, and turned out of office \* \* \* [he] determined, if practical, to rouse the palsied and sleeping faculties of his fellow citizens," and in order to accomplish this, he determined to run for representative in the Legislature from Franklin County.<sup>22</sup>

A spirited campaign followed, which resulted in a close victory for Marshall over his opponent, Col. John M. Scott.<sup>23</sup> To prepare the way for a legislative assault on Innes, the *Western World* published in November, 1807, a bitter attack on him signed by "*A Voice in the West*," which was undoubtedly from the pen of Marshall. He lamented the fact that Innes had not been before the Legislature for investigation at the same time Sebastian was, "They could not have said less than, 'that Judge Innis, while he was in the exercise of his office under the general government, and drawing his annual salary therefrom, was engaged in carrying on, through the means of Sebastian, with the agents of the Spanish government, an illicit, unjustifiable, and highly criminal intercourse, subversive of every duty he owed to the constituted authorities of our country, and highly derogatory to the character of Kentucky and of the United States!' Less than this, they could not possibly have said."

He then took the Federal Government to task for not acting on the information that was known to all, and ridding itself of an officer who had stamped upon Kentucky "the indelible stain, of cherishing and supporting a *Spanish conspirator* openly detected in his guilt."

In sonorous and rounded periods he called upon the people to return to a sense of their duty.

Having prepared the public mind by every possible means for a legislative attack upon Innes, and having won his election on that point Marshall introduced a set of resolutions on the subject in January, 1808. The preamble set forth the charges that Judge Innes while a federal judge had "been privy to, or concerned in secret and clandestine negotiations or intrigues" to be seen "especially in the case of *Lachaise*, a French emissary—and in the case of *Baron Corondelet*, and in the case of *Thomas Power*, agents and emissaries of the king of Spain" and that these circumstances furnished "an occasion of sufficient magnitude to interest the attention of the representatives of the Kentucky people, and to call forth the public expression of their opinion."

It was then resolved, "That an inquiry ought to be instituted by the constituted authorities, into the conduct of the said Judge Innis, to which he may answer, and on which judgment may be pronounced." Copies were to be sent to the state's delegation in Congress.<sup>24</sup>

Innes' position was rendered exceedingly uncomfortable. To make the situation more serious for him James Wilkinson's shady dealings for the past ten years were now under fire, largely as the outcome of certain revelations made in the Burr trial by Daniel Clark and others.<sup>25</sup>

<sup>21</sup> Marshall, *History of Kentucky*, II, 383.

<sup>22</sup> Marshall, *History of Kentucky*, II, 383.

<sup>23</sup> He won by a majority of eleven votes.

<sup>24</sup> Marshall, *History of Kentucky*, II, 448, 449.

<sup>25</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 704, 705. Also see *Ibid*, 468-645.

The United States House of Representatives on January 13, 1808, called upon President Jefferson for a court of inquiry on Wilkinson's conduct and requested him to communicate "any information which may have been received at any time since the establishment of the present Government, touching combinations with foreign agents for dismembering the Union, or the corrupt receipt of money by any officer of the United States from the agents of foreign Governments."<sup>26</sup> But with characteristic ingenuity, Wilkinson had seized the initiative when he saw trouble brewing and had demanded a court of inquiry. Such a court was appointed on January 2d.<sup>27</sup> Innes wrote Wilson Cary Nicholas how circumstances had conspired against him—how his former friendship and close acquaintance with Sebastian and Wilkinson tended to place him in a false light, now that Humphrey Marshall was calling for an investigation. "These circumstances," he declared, "will with the suspicious and prejudiced people be attached to me—altho innocent I must bear it, relying on time and deliberation to wipe off any unfounded calumny."<sup>28</sup>

As soon as Innes learned that Marshall had introduced the resolutions calling for an inquiry, he addressed the following communication to Henry Clay, Speaker of the House: "Sir: I have been informed, though inofficially, that certain resolutions have been presented to the house of representatives in which you preside, implicating my conduct and integrity as a judge of the court of the United States, for the Kentucky district. Having supposed myself immediately responsible to the general government, from whom I hold that appointment, I did during the last session of Congress write to several members of that body, requesting through them, that an inquiry might be made into my conduct. From this however they dissuaded me, because in their judgment there was not sufficient ground to justify or authorize such inquiry.

"Conscious, however, of my own innocence of any criminal intention, or acts, and that in spite of all the malevolence of my enemies, upon a free examination, my life would only manifest errors of the head and not of the heart, nothing is more desired by me than an investigation into my conduct, governed by temper, moderation and justice. The result of which investigation (to which I invite your honorable body) will be as honorable to me, as mortifying to those who prosecute me."<sup>29</sup>

A few days later he wrote the Committee of the whole on the State of the Commonwealth, protesting his innocence, and declared that he had noted "with a degree of solicitude & indignation not to be expressed, the numerous arts which have been made use of by my enemies to prejudice the minds of the public."<sup>30</sup>

Discussion immediately began on Marshall's resolutions and extended over several days. Clay, the speaker, who a year before had advised Innes against pressing for an investigation, descended from the chair to oppose the resolution. He made a counter-move by introducing a new series of resolutions, directly opposite to Marshall's. It was stated in the preamble that whereas all the evidence taken in the Sebastian investigation had been transmitted to the Federal Government which could therefore judge whether the constitution or laws had been violated, "and whereas, the legitimate objects which call for the attention of this legislature on themselves sufficiently important to

<sup>26</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 705. Jefferson to House of Representatives, January 20, 1808.

<sup>27</sup> *Ibid.*, 706.

<sup>28</sup> *W. C. Nicholas MSS.* (1807-1811), in Library of Congress. Dated February 7, 1808.

<sup>29</sup> Marshall, *History of Kentucky*, II, 448, 449. Dated January 29, 1808.

<sup>30</sup> *Innes MSS.*, Vol. 19, No. 58. Dated February 3, 1808.

require the exercise of all their wisdom and time, without engaging in pursuits of others, thereby consuming the public treasure and the time of the representatives of the people, in investigating subjects not strictly within the sphere of their duty: and inasmuch as the expression of an opinion by the general assembly, upon the guilt or innocence of Harry Innis, Esqr. in relation to certain charges made against him, would be a prejudication of his case—if in one way, would fix an indelible stigma upon the character of the judge, without the forms, or judicial proceeding; and if in the other, might embarrass and prevent a free and full investigation into these charges: Wherefore,

*"Resolved by the General Assembly, That it is improper in them to prescribe to congress any course to be taken by that body in relation to the said charges, or to indicate any opinion upon their truth or falsehood."* It was further resolved that as the constitution and laws guaranteed to every citizen in office or out, in trials by impeachment or at common law, fair and impartial treatment, an investigation, by the legislature before a prosecution had commenced in which an opinion of guilt or innocence should be expressed "would tend to subvert the fundamental principles of justice."<sup>81</sup>

The conscience of the lawmakers had been too completely aroused to stifle an investigation by themselves or not to recommend action by Congress. Clay's resolutions failed to pass. A considerable amount of discussion took place, during which a new set of resolutions were introduced by William Blackburn following in general Marshall's outline, but failed of passing.<sup>82</sup> There was finally carried through the General Assembly on February 17 and signed by the governor on February 19 the following set of resolutions: "Whereas the House of Representatives did, at the last session, appoint a committee to examine into and report on the conduct of Benjamin Sebastian, one of the Judges of the court of appeals of this state, in relation to the said Sebastian being a Spanish pensioner while holding his office aforesaid, in which report there were circumstances implicating Harry Innes, a district judge of the United States in and for the Kentucky district, as detailed by himself when called on as a witness on the part of this commonwealth against the said Sebastian, and these circumstances, in the conduct of the said Harry Innes, are deemed sufficient, by the present General Assembly, to call forth the public expression of their opinion: Therefore,

*"Resolved by the Senate and House of Representatives, That an inquiry ought to be instituted by the constituted authority into the conduct of the said Harry Innes \* \* \**" It was also resolved that the report of the investigating committee, to be appointed, together with certain other documents should be sent to the Kentucky Representatives in Congress, and that they "do request an inquiry to be made into the conduct of the said Judge Innes."<sup>83</sup>

The Legislature had, thus made it plain that it would not only not attempt to shield one of its first citizens if he were guilty of infidelity to the Union, but that it would also call the attention of the Federal Government to the case and give its assistance.

In the meantime, Innes had not been without plans for defense. When it was evident that the Legislature would take action, he addressed a series of questions to numerous friends and men of affairs in which he sought their version of the part he played in the perilous times and their interpretation of the attitude of Kentuckians generally during that period.

<sup>81</sup> Marshall, *History of Kentucky*, II, 449, 450; Butler, *History of Kentucky*, 223-227.

<sup>82</sup> A copy may be found in Marshall, *History of Kentucky*, II, 450, 451.

<sup>83</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 923.

Shelby and many others responded, and the almost unanimous opinion was that Innes was innocent of any intention of wrong-doing.<sup>34</sup>

Innes also struck back with vigor at his bitter enemy, Humphrey Marshall, who had labored with great assiduity to get the inquiry started. The friends of Innes in the Legislature started the accusation that Marshall had been guilty of shady and irregular land dealing with the direct purpose of personally enriching himself. The House voted for an investigation, and a committee was soon appointed and set to work. After a minute and laborious investigation it made a report, filling a pamphlet of twenty-seven pages, two days after the House had voted to investigate Innes. It was the decision of the committee that Marshall was guilty of land frauds brought about by mutilating plats and entering the land anew.<sup>35</sup> A bitter debate followed on this report, which resulted in the adoption of a resolution by a vote of 30 to 23, declaring that the proof was insufficient. It was claimed by Innes that the vote was not taken on the merits of the case, but was part of a parliamentary tangle on account of which Marshall, luckily for himself, escaped justice. Some time later Innes made a stinging attack on Marshall in an eight-page pamphlet in which he declared that "Had Humphrey Marshall, after his trial before the House of Representatives of Kentucky, at their last session, been satisfied with being *whip'd and clear'd*, I should not have troubled the public with this address. \* \* \*" <sup>36</sup>

On March 21st, the United States House of Representatives took up the question of the Innes investigation, which had been requested by the Kentucky Legislature. John Rowan arose and observed that the Government should carefully note any "deviation from a correct course of any one of its functionaries," that whatever "excuse might be found in the weakness of human nature for any errors in judgment, yet for a deviation from the allegiance which he owes to his Government, as a child to its father, no excuse could be found in the weakness of his frame or the incompetency of judgment." He stated then that if any judge had violated his duty, every consideration for the Union, required "That he should experience the utmost severity of animadversion." Thereupon he offered the following resolution:

*"Resolved, That a committee be appointed to inquire into the conduct of Harry Innes, district judge of the United States for the district of Kentucky, relative to his having whilst in the tenure of his office aforesaid been party or privy to a project on the part of Spain or her subjects to dismember these United States, or to the seduction of the State of Kentucky from this Union; or relative to his having been party or privy during the time aforesaid to a project of France or her citizens, to embroil these United States in a war with Spain; or relative to his having illicitly corresponded with both or either of the governments aforesaid or their subjects or citizens upon one or both the projects aforesaid; or relative to his having known and concealed from this Government one or both the said projects; and that the said committee have power to send for persons, papers, and records, and that they report whether in their opinion the said Harry Innes hath so acted relative to all or either of the subjects aforesaid as to require the interposition of the Constitutional powers of this House."* <sup>37</sup>

Richard Stanford, of North Carolina, declared that the subject was of great interest, and that if the public prints could be believed this was one of at least three attempts to deduce the West from its allegiance. He

<sup>34</sup> These replies are preserved in *Innes MSS.*, Vol. 19.

<sup>35</sup> *Report of the Select Committee, Appointed to Investigate Certain Charges Against Humphrey Marshall.* Report made February 19, 1808.

<sup>36</sup> *Innes MSS.*, Vol. 18.

<sup>37</sup> *Annals of Congress, 1807-1808, 1858.*

believed that Kentucky's action "was one of the best pledges that the State itself did not participate in the disaffection. He was in favor of making the resolution more general to include inquiries into the other intrigues; and to accomplish that purpose he moved that the resolution lie on the table. William A. Burwell came to the rescue of Innes to the extent that although he was willing to have the investigation made, he wanted "to afford an opportunity to do justice to the character of the person implicated, and not by instituting an inquiry without due proof that it was necessary, to prejudice the public mind against his character." Rowan replied that he was satisfied that an inquiry should be made "and believed in his own mind that it ought to terminate in impeachment and removal." He might be prejudiced, for he had heard so "much of his mal-conduct, and he felt a general prejudice against any officer who permitted himself even to be tampered with." But in order not to arouse suspicions of undue haste, he consented to a postponement of the resolution, which was so voted.<sup>38</sup>

Exactly ten days later, the resolution was again taken up. Benjamin Howard,<sup>39</sup> of Kentucky, expressed the wish that the resolution should be adopted not only out of the respect he held for the Kentucky Legislature, but from a feeling that an inquiry was necessary. Ever since the investigation of Sebastian, he stated, there had been a general feeling unfavorable to Judge Innes. "From the delicate and important nature of the trust reposed in a judge, it is indisputably necessary not only that he should possess integrity, and possess purity of mind, but that he should be free from all suspicions to the contrary. That his reputation has sustained a diminution is certain, whether on proper or on improper ground, it is not necessary for me to determine. I trust the House will permit the inquiry to progress, that if innocent, this gentleman may be permitted to sustain that reputation which he has so long enjoyed; and if guilty, the public may put out of their service a man who has so ill conducted [himself]. I conceive that the House cannot hesitate on this subject. What evidence other gentlemen may require to justify them in adopting this resolution I cannot for them say; but for my single self, if nothing more were presented to my view than the resolution of the Legislature of Kentucky, to my mind it would be sufficient. While up I think it my duty to mention that Judge Innes, by the mail which brought his accusation, wrote to a number of the Representatives of the State of Kentucky, among whom was myself, expressing not only his willingness but his anxiety that an inquiry should take place."

George M. Troup, of Georgia, believed "that the Western conspiracy should be developed to its utmost extent." It was now high time that the Government should find out who were its friends and who were its enemies, to the end that those of the latter who were in office might be put out and those who were not in office might be kept out. The resolution was then adopted unanimously. A committee of seven was then appointed with Rowan as chairman, to inquire into the conduct of Innes.<sup>40</sup>

On April 19, Rowan brought in a report for the committee "that they have considered the same [conduct of Innes] and the accompanying documents [report of the Sebastian inquiry]; which documents are the only evidence which they are informed can be obtained material to the inquiry, and are of opinion that Harry Innes has not so acted as to require the interposition of the Constitutional power of this House."<sup>41</sup> The report was then ordered to lie on the table.

<sup>38</sup> *Annals of Congress, 1807-1808, 1859, 1860.*

<sup>39</sup> Howard was at one time assistant Judge of the Circuit Court, and later Territorial Governor of Missouri, under appointment of Madison.

<sup>40</sup> *Annals of Congress, 1807-1808, 1885, 1886.*

<sup>41</sup> *Ibid, 2198; American State Papers, Miscellaneous, Vol. XX, Part I, 922.* The Sebastian report is also published in *Annals of Congress, 1807-1808, 2759-2790.*



On the following day, John Smilie of the committee of investigation moved that the report lie over until the next session. He thought the evidence in hand was insufficient to ground an impeachment, but he with the committee felt a disposition to pursue the inquiry further, if other testimony could be had. He thought it should be fair to both sides, as evidence could be collected *pro* and *con*, Rowan, who was of the minority on the committee, was strongly opposed to a commitment or postponement of action. He believed the documents already produced were "abundantly sufficient for the conviction of Judge Innes." It was not to the interest of Kentucky or of the United States that a guilty man should be continued in high office; and it was to the interest of all that an early decision should be had. He dwelt at length on the aggressive patriotism of Kentucky as shown in their legislature's resolution calling for the investigation, and he thought "the zeal of the State should not outstrip that of the nation." He concluded with the hope that "Kentucky would be permitted to have a judge who was truly an American; one who could not temper with the enemies of his country, and about whom should be such an atmosphere of repulsion as to prevent him from being selected as a fit object for corruption. Such a judge as this Kentucky wanted." Smilie then observed that none but legal testimony could be received on an impeachment trial, and such he would have before voting for impeachment. As there were only four more days of the present session, the whole time would be used up in disposing of this case, to the exclusion of all other necessary business.

John Taylor, of South Carolina, and another member of the committee, believed that all the evidence that was necessary for impeachment was before the House. He observed that a judge had been impeached for drunkenness, which was "much less a misdemeanor than conferring with the agent of a foreign Government for purposes injurious to his country." He wanted immediate action on the case. Further discussion by other members of the House followed. Then, John Montgomery arose to vindicate the committee's report. He declared that had Innes not been innocent of a sense of wrong doing, the whole subject would never have been communicated to John Ross years ago, a senator from Pennsylvania, who could have communicated it to the House had he thought it worth while.

Richard M. Johnson, later Vice President of the United States, reputed slayer of Tecumseh, wanted an early decision. He said he represented the district in which Innes lived and he had heard the subject much discussed; but he would vote only on the evidence and would not let the action of the Kentucky Legislature influence him at all. After a considerable amount of further discussion in which Rowan played an important part, the vote on the motion for commitment was finally reached. Rowan called for the yeas and nays, since he considered commitment as an evasion of a decision." The motion was carried 48 to 25.<sup>42</sup> This resulted in burying the report, never to be taken up again.

Shortly after the session began in the following November, Innes addressed a communication to the Speaker of the House in which he outlined and answered the charges on which he was being censured.<sup>43</sup>

The bitter strife between Innes and Marshall was not allayed by the former's victory. A suit soon arose in which Innes sued Marshall for damages for publishing that "he was a weak and partial judge, an enemy to his government, and one whom he ranked with a Sebastian, a Blount, and an Arnold." The case dragged along for ten or twelve days, finally resulting in a divided jury. Each party paid his own costs.<sup>44</sup>

<sup>42</sup> *Annals of Congress, 1807-1808, 2247-2250.*

<sup>43</sup> *Innes MSS., Vol. 19, No. 61.*

<sup>44</sup> *Marshall, History of Kentucky, II, 452.*

A compromise of truce which was signed between these two bitter personal and political enemies, who had been fighting each other for about a quarter of a century, reads as follows: "Whereas Harry Innes & Humphrey Marshall have compromised the suits pending between them in the Mercer County Circuit Court: It is agreed that all matters & things of a personal nature which existed prior to the compromise shall be buried in oblivion between the parties.—And they pledge themselves each to the other that they will not write or publish or cause to be written or published any matter or thing of & concerning the other which shall be disrespectful of the character of the other on any subject existing prior to the compromise." <sup>45</sup>

Although there was much political rivalry and personal animosity mixed intextricably with the Sebastian and Innes investigations, as, indeed, in the case of Burr's troubles in Kentucky, there was present a genuine desire on the part of the great mass of Kentuckians that justice be done regardless of whom it might hit, and that the patriotism and goodness of the state be vindicated. The action the state took was to her credit still more on account of the manner in which the investigations had their beginnings and the animus with which they were prosecuted. Humphrey Marshall, the most important of the few and disposed Kentucky Federalists, by beginning the investigations put the democrats in a dilemma and gave them an endless amount of trouble. Enough evidence was early produced to show that eminent democratic leaders were guilty of questionable acts, to say the least. It was then a case for the overwhelming democratic government to show the proper zeal in carrying the inquiry to the bottom; or suffer the consequences of a half-hearted investigation, in which some of their prominent leaders were concerned. The former course was followed without hesitation, and the State was soon to establish by such acts a reputation for patriotic zeal that scarcely knew an equal in the union of the states.

<sup>45</sup> *Innes MSS.*, Vol. 22, No. 117. This was signed by both Innes and Marshall.

## CHAPTER XXXIX

### EARLY PARTIES AND POLITICAL DEVELOPMENT

Political divisions in Kentucky at first grew on principles entirely local and peculiar to that region, and therefore, without relation to the conditions that produced party differences east of the mountains. While Kentucky was still a district of Virginia the first political cleavage in the population became evident. The fundamental cause was the question of separation from the mother state. In the early Seventeen Hundred Eighties the movement for statehood began with few people in favor of it. There were a few leaders who saw their opportunities restricted unless statehood were gained, and aided by the various circumstances heretofore set forth, they started the movement definitely in the convention which met in Danville in 1784. From this time down until 1790, the politics of the district was completely given over to this absorbing question with its attendant allurements.

Although the movement for statehood gained in power and force with the progress of time; still there was always a persistent element that stood for the old order. They were the conservatives. But at times their ranks were greatly increased; through conditions brought about by the secret agents of foreign nations, and their treacherous accomplices. The intrigue with Spain stood out so boldly in 1788, that many Kentuckians became startled, through the fear that their leaders might carry their efforts too far in order to secure separation from Virginia. The great mass wanted separation, but followed with statehood; whereas a small group were apparently willing to set up independence, or annex the region outright to Spain. The fright was sufficient to show those who would understand, that Kentucky abhorred a political connection with Spain, however much she might want to enjoy rights which that nation might give.

Kentucky's separation from Virginia and admission into the union was soon assured; and the party formerly based on opposition to separation had now no leg left on which to stand. The majority party naturally framed the new constitution and seized full control of the State Government. Men who had stood out persistently against separation at specific times, or against certain radical measures proposed in the various conventions, or who were irrevocably against separation at any time or under any conditions—such men were generally left out of the new state organization or given inferior positions. The names of those who filled high offices were those who had been the leaders for separation, e. g. Isaac Shelby, governor; James Brown, secretary of state; John Brown, United States senator; Harry Innes, chief justice of the Court of Appeals; Benjamin Sebastian, a judge in the same court; and John Logan, treasurer. George Muter, who, it would seem, stood in line for a judgeship in the highest court, was given a rather insignificant position on the bench of the Court of Oyer and Terminer. It was said by some that this was due to his too conservative stand in the movement for separation.

It thus happened that the party of opposition which immediately sprang up against the administration forces was composed largely of

those who had been left out of office, and who at the same time were those who had been conservative in the separation movement. As politics go, this was only to be expected. The irreconcilable Humphrey Marshall, who had already succeeded in making enemies, political as well as personal of most of the prominent leaders of the state, sharpened his trenchant pen and at once set upon the party in power. Writing over the name "Coriolonus," he began his attacks on Governor Shelby before he was comfortably settled in office. He disagreed with the governor's political appointments, and criticized generally his acts. He even dealt in such puerile attacks as to note Shelby's bearing and demeanor during the inaugural ceremonies.<sup>1</sup> It was only a short step from such political criticisms to personalities—and the politics of the day soon developed a plenty of this element. The classic quarrel that filled the public prints *ad nauseam* was between Marshall and Innes.<sup>2</sup> In September, 1792, the latter dismissed Marshall for the time being with the following pithy statement: "If he was a man of *character*, I would adopt proper measures to punish him for his insolence for the publication in your Gazette of the 22d of September addressed to me. But as Coriolonus is that abandoned man Humphrey Marshall, of Woodford County, I shall take no further notice of him, than to publish his name to your candid readers. \* \* \*"<sup>3</sup> Another gentle enemy of Marshall's eighteen years later begins an attack on him in the *Kentucky Gazette* with the following expression of self-restraint: "I will not call you liar, villian, or scoundrel; but, with all the politeness imaginable, I could prove you so."<sup>4</sup>

The methods which were being used by Jefferson and his associates to weld together a party of opposition to the national administration under Washington and Adams were peculiarly valuable and effective in Kentucky and the West generally. Whatever group that might have been in control of the national government during this period would, however, have met with strong opposition in Kentucky; for the besetting problems of the West could not be settled in a day by any party contrary to the belief of most Kentuckians. It was therefore in one sense a misfortune for the rising federalist party that it was in power during the troublous times in the West. The opening of the Mississippi was not procured by the National Government, despite its ceaseless efforts, until 1795. For six years, then, it had been under the fire of the Kentuckians. At times opposition to the National Administration became so pronounced that fears arose as to the actual loyalty of the West to the union of the states, and to counteract any dangerous movement, decisive steps were now and then taken. The personal mission under James Innes sent to Governor Shelby by President Washington is a striking example. And even when the Treaty of San Lorenzo in 1795 settled the navigation of the Mississippi in favor of the West, there was conspicuously absent any open rejoicing or celebrations. Kentuckians more aptly expressed themselves in the feeling that there had now tardily come a right which should have been in their possession and enjoyment for the past dozen years, but which had been allowed to sleep through the hostility of an unsympathetic national administration.

The occupation by the British of the Northwest posts was another grievance the West held not so much against Great Britain as against the National Administration for not forcing their evacuation. The whole question of Indian depredations and frontier protection was in the minds of Kentuckians predicated on the British occupation in the Northwest. They believed that the British were at the bottom of most of

<sup>1</sup> *Kentucky Gazette*, August 25, 1792.

<sup>2</sup> For instance *Ibid*, December 8, 1792.

<sup>3</sup> *Ibid*, December 1, 1792.

<sup>4</sup> *Kentucky Gazette*, September 11, 1810.

the Indian hostility. And when finally the United States was able to secure the Jay Treaty, a storm of opposition arose against it in Kentucky. True enough, it provided for the evacuation of the Northwest posts, but it was secured through the Federalist administration and was actually negotiated by John Jay, regarded as the bitterest enemy of the West. It was furthermore a general settlement with Great Britain, toward whom the federalists were inclined to lean, and a provocation to France, who was still an inspiration to Jefferson and his Western followers.

Humphrey Marshall, who had slipped into the United States senatorship from Kentucky at an opportune moment, and who as a good federalist supported the treaty, was execrated for his truckling to the East. Having exhaustive invective, his political enemies resorted to other means in their attacks. George Muter and Benjamin Sebastian, judges of the Court of Appeals, declared in a pamphlet that Marshall had had a suit in court and from the records and documents it appeared "that he had committed a gross fraud," and so evident was it that the court gave a decree against him. It was further stated that although in the investigation "he was publicly charged of being guilty of wilful and corrupt perjury, in order to screen himself from the consequences of his fraud, yet so conscious was he of his guilt, that he had never since dared, by way of suit or any other mode, to bring forward an examination into the truth of the charge; indeed, callous as he is, he appeared at the time to be so fully convicted, that he had scarcely affrontery enough to deny it." The Legislature seized this charge against Marshall as calling loudly for an investigation by the United States Senate, to consider whether Marshall was a fit person to sit in that august body. In a resolution of December 21, 1795, this call was made by the Kentucky Legislature upon the National Senate. The resolution said in part: "Important, indeed, it is to society, that those intrusted with the exercise of the power of Government should be men of unshaken virtue and integrity; without these qualities, in vain shall they expect the confidence of the people, when the basis on which alone that confidence can be founded is wanting.

"We mean not to give an opinion on the justice of the charge which has been made against Humphrey Marshall; it has been made, and is of such a nature as must render him unworthy, if true, of any, still more so of the highest trust; while it is untried, unexamined, and undecided upon, doubts will exist; those doubts cannot but have the worst effects on the public mind.

"The character of the Senator may involve the reputation of the State which he represents; it is also highly interesting to the honor and dignity to the House of which he is a member. We, therefore, conclude with requesting that an investigation may immediately take place relative to the charges stated; and if Humphrey Marshall can evince his innocence, that such exculpation may be promulgated throughout the United States, that himself, as well as our State, may be exonerated from the imputation of such a crime; but if the charges can be fixed upon him, that he may be expelled from a seat in your house."<sup>5</sup>

The committee of the Senate to whom was referred this memorial made its report on March 11 (1796). It observed that the suit in which Marshall was concerned was tried eighteen months before he had been elected United States Senator, "and that, previous to his election, mutual accusations had taken place between him and the judges of the said court, relating to the same suit." It also stated that no copy of Marshall's answer under oath, no fact of the testimony, none of the records or documents, nor "the copy of any paper in the cause," had been fur-

<sup>5</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 141.

nished the committee by the Kentucky representatives, "nor have they intimated a design to bring forward those or any other proof. The committee then gave as its decision that "as no persons appears to prosecute, and there is no evidence adduced to the Senate, nor even a specific charge, the committee think any further inquiry by the Senate would be improper." Marshall had, however, waived the point of jurisdiction of the Senate in the case, and had welcomed an investigation, regardless of its irregularity. The committee considered that this, nevertheless, did not give the right to proceed. It then intimated that the over-zealous Democratic Legislature of Kentucky had proceeded too fast in its accusations: "They [the committee] think that, in a case of this kind, no person can be held to answer for an infamous crime, unless on a presentment or indictment of a grand jury; and that, in all such prosecutions, the accused ought to be tried by an impartial jury of the State and district, wherein the crime shall have been committed. If, in the present case, the party has been guilty in the manner suggested, no reason has been alledged by the memorialists why he had not long since been tried in the State and the district where he committed the offense. Until he is legally convicted, the principles of the constitution and of the common law concur in presuming that he is *innocent*. And the committee are compelled, by a sense of justice, to declare that, in their opinion, this presumption in favor of Mr. Marshall is not diminished by recriminating publications which manifest strong resentment against him. And they are also of opinion that, as the constitution does not give jurisdiction to the Senate, the consent of the party cannot give it; and that, therefore, the said memorial ought to be dismissed."<sup>6</sup>

Thus, was Marshall vindicated by a Federalist Senate, and the Democratic Kentucky Legislature rebuked and robbed of a political victory it was striving to gain.

As before intimated the question of frontier protection and foreign sympathies, played their part in welding together the Western Democracy. Federalists, and especially those from New England, had, from the beginning, looked with hostility upon western expansion. They greatly feared that the center of national affairs might move west of the Alleghanies. Therefore down until 1790, little aid at all was given the frontiersmen in their constant clashing with the Indians, and not until 1795, were the Indians finally subdued for a time, and were the Kentuckians conscious of national protection. The national administration suffered for the delay.

In foreign sympathies the Kentuckians early followed their Virginia traditions and came to develop warm feelings for the French. They felt that the national administration had not stood by its obligations established in the French Treaty of 1778, when it issued the neutrality proclamation in 1793. It appeared to them to be a move in favor of the detested British toward whom the federalists were inclined to be too friendly. The Kentuckians were, therefore, not to be expected to dismiss hastily Genet and his scheme to conquer Louisiana and open the Mississippi especially as it seemed as much to their own interest as to the French that it should be carried out. Governor Shelby was not over-zealous in enforcing against the French project general laws which he believed did not clearly establish a right or duty on his part to act.

Apart from all the specific acts of the national administration and absence of them, the Kentuckians were irresistibly drawn away from the party in power for other reasons. Kentuckians were frontiersmen who had the problems and ways of thinking of frontiersmen. Their

<sup>6</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 144. This report has been a precedent for Senatorial procedure in all subsequent investigations of like character.

tastes were democratic and it was impossible to develop and satisfy any other kind. Theirs was the democracy and equality not of theory but of fact. Their very circumstances and surroundings were compelling. With their characteristic impatience of restraint, they were naturally drawn to the Jeffersonian way of thinking where the least government was considered the best. Thus it was that not only Kentucky but the whole West allied itself with the Jeffersonian opposition and became in time the controlling factor in the democratic party.<sup>7</sup>

It thereby also follows that the federalist party was never strong in the West, and especially in Kentucky. It was forced to bear the burden of Western opposition from the very beginning. Just as the elements of opposition to the National Administration throughout the country were welded together by Jefferson into the democratic party, so it was that the opponents to the administration in Kentucky laid the foundation for whatever federalist party existed in the state. The most prominent and persistent leader was Humphrey Marshall. He constantly took full advantage of every mistake of the opposition. In 1795, due to a sudden wave of enthusiasm for the national administration following the brilliant victory of "Mad Anthony" Wayne over the Northwest Indians, Marshall unexpectedly defeated for the United States senatorship, John Breckinridge who had been too bold a leader of the discontented. At various other times Marshall was a representative in the Legislature.<sup>8</sup> But the federalist party was never large in the state, and its leaders never obtained power except at rare intervals, and then from temporary causes. William Littell, in the *Kentucky Gazette*, in 1803, characterized thus federalism in the state: "In regard to Federal politics there is a unanimity in Kentucky beyond what I ever knew in any other state. There is no such thing as a federal party avowing itself here—Federalism (in the popular sense of the word) is of all political sins deemed the most *mortal*, and the charge of it once proved on the most popular man in the state, would as effectively terminate his political respectability as a conviction of sheep-stealing would ruin his moral character." However, he added that "it is not considered as a badge of moral turpitude. On the contrary a man possessing it is supposed to be capable of as many private virtues as a republican, and is universally credited and respected for as many as he possesses."<sup>9</sup> Humphrey Marshall, who often felt the weight of popular disapproval on account of his politics, declared that, "No matter what the service to be performed, or the question to be decided was; to establish upon a candidate that he was a *Federalist*, was the equivalent of his exclusion from office."<sup>10</sup>

The sin of once having held federalist views was difficult to live down. Joseph Hamilton Daviess ran for representative in Congress in 1803 on doctrines that were hard to distinguish from Jeffersonian principles. He heretofore held a record of federalist support; he had favored the Jay Treaty, the Alien and Sedition Laws, and had supported in general the Adams administration. The people were not at this time going to forget it. He was asked some pointed questions by a democrat who had been one from the beginning. His querist wanted to know the reasons for his sudden support of Jeffersonian doctrines and the present administration: "Satisfactory information must therefore be given whether you are displeased with Mr. Adams because he is out of office, or

<sup>7</sup> The party was variously called, republican, democratic, and democratic-republican; but as it developed into the present democratic party, it has been deemed best to designate it with the continuing name, democratic.

<sup>8</sup> He represented Woodford County in 1793, and Franklin County in 1807, 1808, 1809 and 1823. For a short estimate of Marshall see *Library of Southern Literature*, XV, 288, 289.

<sup>9</sup> May 3, 1803.

<sup>10</sup> Marshall, *History of Kentucky*, II, 333.

pleased with Mr. Jefferson because he is in office. I am well aware, sir, that it is natural for *some* characters to worship the rising sun; but I do not therefore conclude that it is generous to kick at the fallen.<sup>11</sup>

The antecedents of federalism, the character of its leadership and its tenets generally did not endear it to Kentuckians. It was the party of strong centralized government, with a tendency toward minimizing popular responsibility. It was, therefore, not preeminently the party of the masses. Even as Hamilton, the leader of the federalists in the nation, said the people were a great beast, so Humphrey Marshall said in connection with a discussion on the adoption of the second constitution: "We are, however, under the government of a good democratic majority, whose will makes the constitution—as it does the laws—just as they want it. Should this be thought to have the appearance of levity, then it is most gravely apprehended that a constitution never was, nor ever will be, preserved by a democracy which counts its majority from the nether end of society; whence is necessarily embraced the greatest mass of ignorance and the least attachment to good order or constitutional restraint."<sup>12</sup>

George Nicholas resented the slurs cast on the Kentucky democracy by the "Eastern aristocrats." He declared that if Kentuckians had not such polished manners as certain people in the East, it was perhaps due to the fact that they had no opportunities to attend levees, "visiting place-men and associating with supple courtiers and office-hunters. When men associate with none but their equals, they will not acquire that refinement of manners which is generally met with about courts; but they will retain—what is a thousand times more valuable—a greater proportion of republican veracity and independence. But if, from our situation, we can give you no aid in the article of manners, that same situation will enable us to do you a more essential service. We will preserve and keep alive for you and ourselves that sacred fire of liberty, which once blazed so brilliantly throughout America, but which appears to be now entirely extinguished in the Eastern states; which the greatest efforts are making to destroy in the middle states, and which will require all the exertions of its friends and votaries to preserve it alive in the Southern States."<sup>13</sup>

The election of Jefferson in 1801, when the democrats obtained their first national victory, occasioned much rejoicing throughout Kentucky, "which was demonstrated \* \* \* by feasting, toasting, singing and dancing." One of the toasts offered at a celebration in Frankfort was: "The United States: may their republican government endure while the earth revolves on its axis."<sup>14</sup> The people generally had already determined that they would like Jefferson's administration; so much so that it was very difficult for them to see a single flaw. When an irresponsible Spanish agent closed the Port of New Orleans to Western shipping, Kentuckians strongly refused to get excited. Why should they? The chosen leader of the people must of necessity soon set it aright. So united were the people in their support of the democratic party that shortly before this incident Levi Todd wrote John Breckinridge: "Politicians are silent; sometimes we talk of the proceedings of Congress. But there is no vivacity on this subject, as there can be no altercation or arguments. The mischief of it is that excepting fifteen or twenty, all the Kentuckians think the same way."<sup>15</sup> The purchase of Louisiana confirmed still more the people in their Jeffersonian democracy. In November, 1803, Governor Garrard wrote John Breckinridge,

<sup>11</sup> *Kentucky Gazette*, February 1, 1803. Article by "Scalvala."

<sup>12</sup> Marshall, *History of Kentucky*, II, 319.

<sup>13</sup> *Nicholas Letter*, 38.

<sup>14</sup> Marshall, *History of Kentucky*, 340.

<sup>15</sup> Breckinridge MSS. (1802). Dated February 22.



who was at this time a United States senator, that everything Jefferson did made him still more popular with Kentuckians," excepting such Federalists as are determined to be pleased with nothing he can do. One great blessing to Kentucky is that there are few of that character among us, and I sincerely wish the number less."<sup>16</sup>

Although the Kentucky Federalists were few in numbers, they at times made the position of the democrats very uncomfortable. It was their chief delight to delve into the shady records of prominent democratic leaders on the early plots, intrigues and conspiracies. For a time it seemed that they would make much of the Burr episode. Daviess' keen ardor in prosecuting Burr in Frankfort was sharply whetted by the expectation of discrediting the democratic party in the state. Humphrey Marshall, grasping this opportunity for the same purpose, set upon his political enemies like a tiger on its prey. Sebastian went down in the crash, and Innes barely escaped. The *Western World*, through which the exposures were first made became for a time a powerful weapon in the hands of the federalists. But it was done when it had finished with its "exposures" of the "Spanish Conspiracy" and its chief participants. It attempted to run on for a time as a paper based on general federalists principles, but by 1810 it had so aroused the hostility of most Kentuckians through its criticisms of the national administration's handling of foreign affairs and through its apparent truckling to British insults and domination that it was forced out of existence.<sup>17</sup>

But during the years directly following the Burr episode the prospects for federalism were the brightest they had ever been in the state. The federalists began laying broad foundations for their eventual supremacy and thereby produced a considerable flurry among the democrats. Harry Innes said in 1806: "The crisis of our state's political character has arrived, and it is now the duty of republicans to exert themselves in order to defeat the views and projects of the federalists.

"Report says that in almost every county in the state there is a candidate attached to the federalist party. To my mind their object is to prepare some measure to effect the ensuing presidential election, or why at this juncture this violent struggle?"<sup>18</sup>

This revival of federalist activities continued through the period up to the War of 1812. In 1810, on the cessation of the *Western World*, Humphrey Marshall began the publication of a paper called the *American Republic* in support of the federalist party. This move evoked from the editor of the *Kentucky Gazette* the remark that "the banners of Federalism are unfurled in the west, and every exertion will no doubt be made to dupe and deceive the good people, *even publicly*."<sup>19</sup> The Federalists made a determined effort this year in their attempt to capture the Legislature. In Franklin County their candidate had the strong backing of Marshall's *American Republic*, but, according to the *Kentucky Gazette*, he was beat so completely that he received only 224 votes out of 2,000 or 3,000 cast—"and this number, too, at the expense and trouble of attending all the *meetings, musters, barbecues* and public gatherings of every kind in the country, besides *visits* and written *circulares* to almost every private family; and of *stump speeches*, many a *score*."<sup>20</sup>

The use the federalists made of charges against the democrats of shady dealings with foreign countries was carried into every political contest where it was possible to raise a suspicion. In 1807 Joseph M.

<sup>16</sup> *Ibid* (1803). Dated November 4.

<sup>17</sup> For its later policy, see *Reporter*, October 24, 1808.

<sup>18</sup> *Innes MSS.*, Vol. 18. Innes to Preston Brown, July 3, 1806.

<sup>19</sup> *Kentucky Gazette*, July 3, 1810.

<sup>20</sup> *Kentucky Gazette*, August 14, 1810.

Street, of the *Western World*, bitterly assailed a candidate for public printer in a hand bill in which he brought charges of treason and sounded the alarm: "Rise *Freemen* of Franklin and trample the *altar of treason* and *conspiracy* beneath your feet, and spurn from your bosom the man who has presumed to direct your votes with a view to his election of public printer."<sup>21</sup> The inroads into the Kentucky democracy which the federalists seriously threatened for a time did not materialize, due to the quick willingness of the democrats, expressed on many occasions, to clean house if there were any unpatriotic within, and through their haste to frown on treason with as much force as the federalists could use. Their demand for the Innes inquiry was a case in point. In the gubernatorial election of 1808 Charles Scott defeated John Allen, for one reason at least on account of the latter's intimacy with Sebastian and Innes and his appearance as counsel for Burr in Frankfort. And, although Marshall could harbor no suspicions against him, and the worst he could say of him was that "if he could not or would not see the offenses of those against whom so much appeared, he was clearly unfit to be governor"—still the Kentucky democracy defeated him by an overwhelming majority.<sup>22</sup>

As war with Great Britain approached, the federalists always assumed a contrary position to the democrats. When the latter were for a peaceful solution of the difficulties, the federalists cried loudly for war; and when war seemed imminent the federalists were strongly opposed to it. In 1808, in the days of the embargo, Henry Clay introduced in the Kentucky House of Representatives a set of resolutions praising Jefferson and his measures. In one it was resolved, "That the administration of the general government since Thomas Jefferson has been elected to the office of president, has been wise, dignified and patriotic, and merits the approbation of the country." Another one declared "that the embargo was a measure highly judicious and the only honorable expedient to avoid war—whilst its direct tendency, besides annoying those who had rendered resort to it necessary, was to preserve our seamen and property, exposed to the piratical depredations of foreign vessels." Another: "*Resolved*, That Thomas Jefferson is entitled to the thanks of his country for the ability, uprightness and intelligence which he has displayed in the management, both of our foreign relations and domestic concerns." Humphrey Marshall offered a substitute set of resolutions in which no praise was voiced for Jefferson and in which the embargo was dealt with as follows: "In this choice of difficulties, difficulties insuperable to the eye of despondency and to the heart of timidity, there is one cause open to honor and patriotism; it is worthy

<sup>21</sup> *Innes MSS.*, Vol. 18. One of the handbills is preserved here.

<sup>22</sup> Marshall, *History of Kentucky*, II, 457.

Col. Thomas L. Crittenden, in an address made in Frankfort, November 8, 1854, had this to say of Governor Scott:

"In 1808, when most of his life was spent—after arduous services and long years had wasted the vigor and strength of his manly form, while his patriotism and his virtues had but been hardened by exposure—with his intellect still unimpaired, he stood before the highest earthly tribunal. And then the people of Kentucky pronounced him their chief man. The people looked back over his long and well spent life—for all could mark his course, deeds having written his name on many pages of the country's history—and, finding no blot or stain upon his fame, they could not withhold their suffrages. No eloquence nor flattering tongue besought their support. The old soldier, with modesty unfeigned and real as his merit, thought the office of Governor too high a place for his ability and too great a reward for his services. In the honesty of his soul he bluntly told the people, in the brief speeches he made to them, that his competitor was far better qualified for the distinguished position than he was himself, but that if they would be foolish enough to elect him, he would do his best for them. He was almost unanimously elected, and the same singleness of purpose, the same fidelity and devotion to his country which had marked his military conduct, characterized and distinguished his administration."

the American character, it is suitable to the rights and to the dignity of a sovereign and independent nation: it is, to resume the practical exercise of those just rights of navigation and of commerce, which have been suspended, to the universal distress of the nation, and to defend them with all the energies of a people determined to the *free and independent*." Such federalist sentiments were given scant attention or notice, except to be thrown out by the overwhelming vote of 64 to 1. Marshall was the only one voting for his resolutions.<sup>23</sup> The Clay resolutions were then carried by the same majority. This is an example of the result of the most federalist interferences in the Kentucky Legislature.

With the great preponderance of voters belonging to the democratic party, campaigning and electioneering was largely reduced to a personal phase. There were of course at this time no nominating conventions. Candidates came forward through their own prominence, announcing themselves or being announced by friends. Henry Clay, while a United States Senator in 1810, announced himself for the lower branch of Congress with a reason eminently fitting the long career he was entering upon: "In presenting myself to your notice, I conform to sentiments I have invariably felt, in favor of the station of an immediate representative of the people."<sup>24</sup> There was still much feeling manifested among would-be candidates that they should be brought out rather spontaneously by the people. It was not yet the generally accepted method of announcing candidacy in the newspapers. An under current of feeling could easily be started at militia musters, barbecues, and court days. Friends pushed the movement along until soon the candidate was in full bloom.<sup>25</sup>

In 1810 a voter gave his experience with an electioneering candidate at the muster, which the latter would inevitably attend, The candidate "asked me to drink some grog, and took me to a Booth, and there I was saluted with a hearty shake of the hand from all the candidates, who seemed to be as much my friends as if they had known me all their lives. Soon after the candidates began to speak, and they all promised a great deal of good things to us people if we would elect them. My candidate promised he would reform the cursed courts which delayed business, and would support his own measures, and oppose those of other people, and he neither excepted the good nor the bad—another that he would support the peoples interest; another, that his interest and ours was the same; another, that he counted on our suffrages to be elected and serve us—and so on."

After the speaking had been concluded a thoughtful friend approached the voter and threw out the following queries: "*Yes he says so now*, but what was his conduct before the election came on? Did he then shake hands with every man he met, stop and talk with us, care about any man's affairs but his own, pull off his hat to everybody, enquire after our health and families, and endeavor to conciliate our good will?"<sup>26</sup> Barbecues also played an important part in the campaigns. Long speeches were followed by a feast in which the surrounding country participated and then more speaking came. Newspapers were used in the campaigns to some extent, but by no means approaching later developments. The hand bill or circular was by far the most widely used printed material.

Under the first constitution the written ballot was the method used in voting; but the second constitution in 1799 changed this to viva

<sup>23</sup> Marshall, *History of Kentucky*, II, 459-462.

<sup>24</sup> *Kentucky Gazette*, May 15, 1810.

<sup>25</sup> For example, see *Kentucky Gazette*, July 3, 1810.

<sup>26</sup> *Kentucky Gazette*, July 31, 1810. Article by "Charles Curryman."

voce voting. A traveler through the state gave these impressions of an election day: "The voting was very simple. The county clerk sat within the bar of the courthouse, and the free holders as they arrived, gave him their names and the names of those they voted for, which he registered in a book. That done the voter remounted his horse and returned to his farm." This he had noted in Paris. When he reached Nicholasville he saw conditions that caused him to hurry by. He counted here "above a hundred horses fastened under trees. I was induced to hasten past this place, as the voters in that sterile part of the country **did not appear quite so peaceable and orderly as those I had seen in the morning at Paris, and I was not sure but some of them might have been moved by the spirit of whiskey to challenge me to run a race with them, or to amuse the company with a game of rough and tumble, at both (of) which the backwoods Virginians are very dexterous.**" <sup>27</sup>

In a state where politics revolved as much around personalities as political principles, and where ideas of personal honor were highly developed, the code duello was certain to be resorted to often. The most interesting of the many duels fought was perhaps the one between Clay and Marshall. This grew out of a heated political discussion in the Legislature in 1809, in which the latter came near precipitating an encounter on the spot. Clay was prevented from immediately attacking Marshall by Gen. Christopher Riffe, a man of powerful frame, who held them apart, saying, "Come, poys, no fighting here, I whips you both." <sup>28</sup>

Thus, prevented from settling the differences in a rather unceremonial fashion on the floor of the House, Clay on the same day (January, 4), addressed a note to Marshall in which he said: "After the occurrences in the House of Representatives on this day, the receipt of this note will excite with you no surprise. I hope on my part I shall not be disappointed in the execution of the pledge you gave on that occasion and in your disclaimer of the character attributed to you. To enable you to fulfil these reasonable and just expectations, my friend, Major Campbell, is authorized by me to adjust the ceremonies proper to be observed." On the same day Marshall returned the following answer: "Your note of this date was handed me by Major Campbell—the object is understood, and without deigning to note the insinuation it contains as to character, the necessary arrangements are, on my part, submitted to my friend, Colonel Moore." The following rules were then formulated to govern the duel:

"1. Each gentleman will take his station at ten paces distance from the other, and will stand as may suit his choice, with his arms hanging down and after the words, Attention! Fire! being given both may fire at their leisure.

"2. A snap or flash shall be equivalent to a fire.

"3. If one should fire before the other, he who fires first shall stand in the position in which he was when he fired, except that he may let his arm fall down by his side.

"4. A violation of the above rules by either of the parties (accidents excepted) shall subject the offender to instant death."

On the morning of January 19, 1809, the duel was fought on the Indiana side of the Ohio River directly below Louisville. On the first fire Clay gave Marshall a slight wound, with the latter's bullet failing to take effect. On the second fire, Marshall again went wide of his mark while Clay's gun snapped, which was according to the rules equivalent to a fire. On the third attempt, Marshall fired first and gave Clay a flesh wound, in the right thigh, while Clay fired without effect. The

<sup>27</sup> F. Cuming, "Sketches of a Tour to the Western Country through the States of Ohio and Kentucky." Thwaites, *Early Western Travels*, IV, 198, 199.

<sup>28</sup> Collins, *History of Kentucky*, II, 477.

deadly earnestness of this duel which had gone through three rounds was further demonstrated by Clay's insistence on still another fire, "but his situation, resulting from his wound, placing him on unequal grounds, his importunate request was not complied with." The press account of the day continued:

"We deem it justice to both gentlemen to pronounce their conduct on the occasion, cool, determined, and brave, in the highest degree.

Mr. Clay's friend was under an impression that Mr. Marshall at the third fire, violated a rule which required that he who fired first should stand in the position in which he was when he fired; but Mr. Marshall's friend being convinced that Mr. Clay had fired previous to Mr. Marshall's moving from his position—this circumstance is considered as one in which gentlemen may mistaken on such occasions, and is not to be noticed in this affair." <sup>29</sup>

Sentiment against duelling in general had been growing for sometime and especially against governmental officers engaging in the dangerous practice. There was therefore passed in 1811 an act requiring all military and civil officers to take an oath "that he or they have neither directly nor indirectly, given, accepted, or knowingly carried a challenge to any person or persons, to fight in single combat, or otherwise, with a deadly weapon, either in or out of this state, since the 1st of April, 1812; and that he or they will neither directly or indirectly, give, accept, or knowingly carry a challenge to any person or persons, to fight in single combat, or otherwise, with any deadly weapon, either in or out of this state, during their continuance in office." <sup>30</sup> It was too difficult (in individual cases) to resist the temptation of over-indulgence or amendment to the law. The result was that very often officers guilty of an infraction of their oath continued to sit in office. In 1823, two of the members of the lower branch of the legislature were allowed to continue through the session contrary to the law on this point.

The vigorous frontier democracy set going was confident and daring. The ordinary individual felt an interest in the affairs of government, and considered himself, in his own way a part of it. His interest was lively and continuing. Who should be the active part of the government and represent the passive voters was a question that early attracted comment. A "Peasant" in 1793 thus surveyed the situation: "Shall we choose Farmers, Lawyers, or Magistrates to represent us. A dire dilemma! On all sides there is danger.—Farmers, perhaps, are too ignorant; Lawyers too full of quibble and mischief, and Magistrates too aspiring and designing." <sup>31</sup> As it was and came to be the case with other states, the lawyers soon came to dominate the situation.

But there had early arose a feeling that every man, should be his own lawyer, when it came to securing justice in the courts. It was felt by many that the laws should be made so simple in content and phraseology that the ordinary person could interpret them. This idea was contained in a law which passed the Legislature in 1801. According to this law, "Whereas it appears to the General Assembly, that the criminal laws of this commonwealth are so complex in their present state, that it is impossible for the people who are governed by them to read or understand them," a board of revisors should be appointed to remedy the state general defects. All obsolete laws were to be left out; and "no abbreviations nor any Latin or French phrases shall be used. And to the end that the citizens

<sup>29</sup> *Palladium*, January 27, 1809, copied in McElroy, *Kentucky in the Nation's History*, 319-321. Collins, *History of Kentucky*, I, 26; McMaster, *History of the People of the United States*, III, 502. For an account of the first duel fought in Kentucky between Thurston and Harrison see "The First Duel in Kentucky" in *The Southern Bivouac*, II, 306-310.

<sup>30</sup> Marshall, *History of Kentucky*, II, 474; *Reporter*, February 15, 1812.

<sup>31</sup> *Kentucky Gazette*, April 27, 1793.

of this Commonwealth may be enabled to judge of the accuracy with which the selections are made." When the revisors should have finished with their labors, they should submit their report to the Legislature, "and if approved by them, shall be substituted in the place of the English reporters as a commentary upon the criminal laws of this state. And all judges shall be enjoined to be quoted thereafter as authority in criminal trials, which has not previously been enacted by the Legislature."<sup>32</sup>

In line with this idea, and also expressive of the great degree of individualism of the day was the arbitration arrangement set up by an act of the Legislature in 1795. This was a method of settling disputes outside of court. It gave parties to a controversy the right to select arbitrators who should be afforded a written statement from each as to the points involved. These statements should first go through a court of record where they should be entered by the clerk and then certified to the arbitrators. This gave the arbitrators a legal standing and conferred upon them the power to summon witnesses and to call upon the sheriff or constable to carry out the process. The arbitrators were, themselves, sworn to decide the matters presented to them according to law and equity. A copy of their decision must be furnished to each party, and a third copy lodged with the court as a permanent record of the final decision. An appeal from the arbitration was allowed when partiality or corruption could be proved to have existed. The arbitrators were allowed nine shillings a day while actually engaged. This method of dispensing with the courts was interesting and rather extraordinary development. From a strict view of the constitution it was against that instrument, which granted the judicial powers to a court of appeals and to inferior courts to be established. It could scarcely be argued that the arbitrators were a court. A hostile critic declared in this connection: "Thus was introduced into the judicial department an irresponsible tribunal; and thus by a side wind, and under the specious pretense of expediting and cheapening the administration of justice, was the trial by jury dispensed with; and a door thrown open by law, for every species of irregularity."<sup>33</sup> In the second constitution (1799) a provision was inserted, not in the article "concerning the judicial department" but among the "General provisions" stating that "It shall be the duty of the general assembly to pass such laws as shall be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment."<sup>34</sup>

One reason for these arbitration boards may be the great unpopularity of the courts and the disrepute in which they were held. Much of the restless tampering with the courts has already been noted, which extended to an unconstitutional act on the part of the legislature in taking away from the Court of Appeals its original jurisdiction in land cases, granted by the first constitution. This early and continuing attitude toward the courts fitted the people in their judicial experiences eminently for the revolutionary procedures in regard to the Court of Appeals in the '20s. Of all the departments of government, the courts were held in least repute.

In 1802, the whole system of inferior courts was remade again. Ever since the changes had been made in the period of the first constitution, there had been discontent and demands for a new arrangement. Felix Grundy was one of the principal leaders in the movement, especially after it came before the Legislature. The object in the change was to abolish completely the District Courts and Quarter Session Courts and substitute Circuit Courts. Grundy argued that the Circuit Courts would cost

<sup>32</sup> *Laws of Kentucky* (Lexington, 1799), II, 119-121.

<sup>33</sup> Marshall, *History of Kentucky*, II, 175, 176.

<sup>34</sup> Article VI, section 10.

the state much less, and at the same time a much more able class of judges could be secured. He declared that the judges of the old courts were incompetent and ignorant and that designing lawyers often imposed on them for these reasons. Furthermore, circuit courts would distribute justice more equally, since they would be held in every county; and, thus, there would be for those who had business with the court no necessity of going to the great expense of leaving the county. Witnesses would also have a less distance to travel, and there would be a reduction of expenses all around.<sup>35</sup> Those opposed to changing the system argued that setting up a new arrangement would undermine all confidence the people had in securing justice in their courts, and that it would be gross injustice to the existing judges. It was furthermore maintained that the cost would not be reduced by means of the circuit system. In this constant meddling with the courts, the position of the judges would degenerate to the point where they would be nothing more than puppets in the hands of the legislature. "A Citizen" in a communication to the *Palladium* said, "The caprice which abolishes the office of a judge, which increases his duty or reduces his salary, will force him to resume the profession he had deserted, and to employ, in behalf of individuals, those talents, which in the service of the state, had been rewarded with poverty and disgrace."<sup>36</sup>

But the popular will seems to have been set upon a change—at least the political leaders were so minded. In 1802, the legislature abolished the old system of inferior courts, consisting of District and Quarter Session courts, and set up in their place nine Circuit courts. Over each circuit one judge and two assistants presided. The judge followed the circuit, while the two assistants were residents of the county where the court was being held.<sup>37</sup> But the greatest departure from judicial practice and experience was the provision that the assistants should be not learned in the law." This was much in line, however, with the practice of selecting boards of arbitration. There was widely prevalent the feeling that the ordinary common sense possessed by the mass of the people was after all more to be depended on in the securing of justice than the quibbling and fine-spun theories of lawyers and judges "learned in the law." Additional proof of this spirit of the time is seen in the aforementioned law looking toward the simplification of the language in the criminal code.

The new system failed to better the situation materially. On the contrary it had the direct tendency of retarding the work of the court. No case was definitely decided unless it received a majority vote of the three members of the bench; and as the two assistants were often less interested in punctual attendance on court than in other affairs, much business had often to be transacted in their absence. When they did appear, if they chose to be refractory, all the cases decided while they were away, might have to be gone over again. A contemporary has thus described the situation: "But when the assistants conceded they knew as much, or more, than their president, they were commonly refractory, and kept him in check; he being in general a resident in town, or an itinerant on his circuit, and a lodger in town, where the court was held, could attend early, or late; while his brother judges, residing in most cases, in the country, remained at home for breakfast; then came to town, put up their horses at the tavern, took a round of smoking or chatting; then to court; and if anything had been done, were ready to rehear, and confirm or revise it. For it is to be remembered, that the presiding, or 'circuit judge,' could hold court in the absence of his assist-

<sup>35</sup> *Palladium*, November 20, 27, 1801.

<sup>36</sup> July 14, November 27, 1801.

<sup>37</sup> *Kentucky Gazette*, January 25, 1803.

ants; subject, nevertheless, to have everything he did, undone, by them; and which soon taught him to do nothing when they were away, unless he had previously obtained the control, over one of them at least."<sup>38</sup>

The Court of Appeals, the highest court of the land, was not at all times completely free from the suspicious and ill-will of the people and their legislature. The constitution of 1799, through the omission of the customary clause preventing the reduction of judges salaries during their continuance in office, gave the legislature a powerful weapon over the judiciary. The conviction of Sebastian in 1806 of receiving a Spanish pension was a blow at the prestige of the court and the confidence the people had in it. This effect on the fortunes of the court and on the dignity it possessed in the estimation of the people was heightened by the proceedings at this time regarding George Muter, another judge of the court. The general criticisms leveled at the court on account of Sebastian's Spanish pension was extended to Muter particularly because of old age and consequent incompetency. A resolution was introduced in the legislature attacking the court and by way of argument casting insinuations as to Muter's age. Muter agreed to resign if the resolution was withdrawn, having been given the understanding previously that the state would appropriate money for his support. The resolution was withdrawn, Muter resigned, and the legislature passed an act appropriating \$300 annually for his support. This act was immediately heralded to the people as a pension—a word at that particular time not in good repute. The outcry raised against it became so strong and insistant that the legislature in the following year repealed the act and left Muter in his old age and poverty to the mercy of his friends. The act granting the annuity had given as the causes of his resignation old age and infirmity and had stated as the reason for the allowance "that he had not accumulated a decent support, in the cause of a life spent in the service of his country, in both military and civil capacity." In repealing the act, it was argued that an unwelcomed precedent would be set up in pensioning civil officers, which might have a bad effect on the state treasury at times. It was also argued that Muter was no more deserving of his country than many another officer, and as to the fact that he had not accumulated a sufficiency for his old age, the state should not put a premium on prodigality and improvidence. Regardless of the congency of the reasons for repealing the annuity, it was a severe blow to Muter's fortunes and did not enhance the reputation of the legislature for honesty in its dealings.<sup>39</sup>

The relations between the Court of Appeals and the legislature generally lacked cordiality, and at times were not free from suspicions. The number of judges on the bench had been three up to 1801, when a fourth judgeship was created, in order, it was believed, that a younger man might be appointed to the court. Thomas Todd was appointed by Governor Garrard to fill this position. In 1813, the Legislature passed an act providing that when a vacancy occurred it should not be filled, but that the court should thereafter consist of three judges. The judges naturally suspicious of the Legislature took this action as a personal affront, and resigned in a body. The suspicions may have had some foundation, for only two of them were reappointed.<sup>40</sup>

The proper development of the court was greatly hampered by the inadequate salaries paid to the judges. The direct result was that the

<sup>38</sup> Marshall, *History of Kentucky*, II, 350, 351; Butler, *History of Kentucky*, 301-303.

<sup>39</sup> Whitsitt, *Life and Times of Judge Caleb Wallace*, 139; Marshall, *History of Kentucky*, II, 415; Butler, *History of Kentucky*, 333. Muter was taken care of for the rest of his life by his friend Thomas Todd, who succeeded him, on the Kentucky bench, and later was appointed to the United States Supreme Court.

<sup>40</sup> Whitsitt, *Life and Times of Judge Caleb Wallace*, 139.



best legal talent of the state could not be secured for the courts. As a further deterrent to the development of an independence and proper dignity on the part of the judges, a law was enacted in 1800 which reduced the salary of any judge proportionally to the time he failed to attend any term of court, except in case of sickness or unavoidable accident.<sup>41</sup> The small salaries paid the judges was a constant theme in the governor's messages and in newspapers of the day. In his message in 1804, Governor Greenup called the attention of the Legislature to this important subject. He declared better salaries must be paid in order to attract "enlightened, virtuous and independent" men to the judgeships.<sup>42</sup> In 1809, Governor Scott detailed in his message to the Legislature the almost insurmountable troubles he had had in trying to keep the Court of Appeals bench filled. In the course of his account he said, "As yet such has been the difficulty of securing a fit person to accept of the office of a judge in that court, that I have, from a sense of duty, been induced to leave it vacant until the meeting of the Legislature, that they might have it more completely in their power to remedy this evil." An effort was then made in the House to increase the salaries of the judges of the Court of Appeals \$500; but it was defeated by a vote of 32 to 26.<sup>43</sup>

The inferiority of the men appointed to the judgeships could have no other effect than to bring the courts into general contempt. This was especially true of the inferior courts. In some of these courts there was no semblance of order and the judge was little respected. An indignant citizen appealed through the *Kentucky Gazette* to the judges to preserve order in the courtroom. "How is it possible," he asked, "for business to be transacted, with order and regularity, amid tumult and confusion? Where every citizen assumes the right of conversing in courts of justice, it is impossible for the argument of counsel to be listened to."<sup>44</sup> A continuous round of criticisms filled the press. "A citizen" argued in 1809 in the *Reporter* through a long series of articles the utter worthlessness of the system of inferior courts. Nobody had confidence in the judges. They were mediocre men who were overawed by the brilliant lawyers that practiced in their courts but which would receive with contempt an appointment to one of the judgeships. They were often swayed by particular lawyers much more than by any arguments of testimony produced; and it was often the case that suits were virtually decided ahead of the trial depending on which side certain lawyers were engaged who had reduced the judges to mere satellites of theirs. A despondent litigant who had lost his case, in response to the communication of a friend, said "if I could have got Harry Clay to my side things would not have been so."<sup>45</sup>

The courts not being directly representative of the people, but appointive through the executive, were, for that reason, attacked more than the other branches of the government. It was due to the fact that the Legislature was elected directly by the people and therefore more responsible to their whims that it did not come in for many sound criticisms. It passed numerous acts, that were never carried out, and some unconstitutional ones that were carried out. A critic in surveying the laws the Legislature passed in the year 1809, remarked with regard to a certain act, "Not being able to discover any use in this act, it is ascribed to an idle hour, and the old adage, that 'It is better to do anything than to lick your paws.'" <sup>46</sup>

<sup>41</sup> Marshall, *History of Kentucky*, 337.

<sup>42</sup> *Kentucky Gazette*, November 13, 1804.

<sup>43</sup> *Reporter*, December 9, 1809.

<sup>44</sup> January 25, 1803.

<sup>45</sup> *Reporter*, April 22, June 13, etc., 1809.

<sup>46</sup> Marshall, *History of Kentucky*, II, 468.

There is evident throughout this early period of political development a daring initiation in legislation and political practice, which took not as a reason in favor of a line of action the fact that other states had tried it, nor as a reason against a procedure the fact that it had never done before. There was also to be seen the general feeling that one individual was as capable of ruling as another and as able to understand the mysteries of government and its laws—and if this were not so, then there must be something wrong with the government. As to party divisions, the West was not confronted with the conditions proper for the development of a party with the tenets of the federalists. Not until parties arose on other bases could there grow up in Kentucky a group that could successfully oppose the all-absorbing democrats.

## CHAPTER XL

### MATERIAL DEVELOPMENT AROUND 1800

The great stream of people moving to the West beginning in the Seventeen Hundred Eighties increased with time. Facilities for travel were made better; roads were cleared and new river crafts were designed and improved. Kentucky was the first region the migrating easterner viewed, whether he should come over the Wilderness Road or float down the Ohio River. While the regions north of this river were made uninviting and untenable by the hostile Indians, Kentucky received the vast majority of the settlers moving west by these two great routes. The first census (1790) showed how a wilderness had been peopled by nearly 75,000 settlers since the Revolution.<sup>1</sup> The census ten years later gave evidence of a wonderful growth for the decade. The population now (1800) numbered 220,955. It had been almost trebled; and the state, next to the youngest in the Union, had risen in population rank from fourteenth to ninth. This represented an annual increase of more than 14,000; and in some years the accession was undoubtedly 20,000 or over.<sup>2</sup> A toast offered at a banquet in 1795 was, "Our Country: May this year, like the last, add 20,000 to its inhabitants."<sup>3</sup> The widespread movement for westward immigration was mentioned in a letter from John Brown to Harry Innes in the same year. The former had recently made a trip through Virginia and had noted that large numbers of people around Richmond and in other regions visited "have come to a determination to set out immediately for that country [Kentucky]. Indeed the prospect of migration to the westward exceeds anything ever known before."<sup>4</sup>

Kentuckians, themselves, were much interested in promoting this movement. They saw that the more people Kentucky contained, the more influence she would come to have in the councils of the nation and the more important in general the West would become. They were therefore ever mindful of spreading wonderful reports concerning their state and its opportunities, and they had early developed the feeling which they were not backward in expressing that no land or state could compare with theirs. Francois Michaux, who traveled through the state in 1802, noted this characteristic: "The inhabitants of Kentucky eagerly recommend to strangers the country they inhabit as the best part of the United States, as that where the soil is most fertile, the climate most salubrious, and where all the inhabitants were brought through the love of liberty and independence."<sup>5</sup>

But manifestly all people going West did not stop in Kentucky; neither did many who passed through a part of the state or skirted it on the Ohio River fulfil the expectations of Kentuckians by swelling their population. Tennessee to the south was a virgin region attracting its

<sup>1</sup> The exact population was 73,677.

<sup>2</sup> Of course this number was not due wholly to immigration, as there was a natural increase.

<sup>3</sup> *Breckinridge MSS.* (1795).

<sup>4</sup> *Innes MSS.*, Vol. 19, No. 21. Written from Philadelphia, dated May 15.

<sup>5</sup> F. A. Michaux, *Travels to the West*, 248.

share; and the country to the north of the Ohio was, after Wayne had opened it by defeating the Indians in 1795 at the battle of Fallen Timbers, drawing an increasing number of settlers. Those going to Tennessee, few of whom passed by way of Kentucky, need not have troubled Kentuckians; but those, who actually went through the state or along its borders and did not stop, inevitably left the impression among Kentuckians that they either did not know an opportunity when they should see it or that they were badly informed and that it was necessary to organize for the spreading of proper information among prospective settlers.

Before 1800, there were organized "Emigration Societies" in some of the Kentucky cities, whose purpose was to attract settlers. Washington in Mason County in 1797 had a "Washington Emigration Society" which published attractive facts about the town and state. Meetings were held monthly at which the problems connected with the attraction of settlers were discussed. The *Mirror*, the paper published at Washington, was the vehicle for much of the information given out. It published such facts as the prices of farm products, the yield per acre in the different grains, and accounts of the wonderful fertility of the soil. A description of the navigation of the Ohio from Pittsburg to Limestone (Maysville) was published, and a scale of prices of different articles in Washington together with the wages paid in the various occupations was given. One descriptive article dealt with the land system in which it was admitted that the so-called occupying claimants law tended to confuse land titles at first, but the law was defended as necessary. It sought to explain the situation to the end that settlers should not be driven away by it. It said, "A stranger who comes to purchase must be alarmed at the infinity of disputes, and is on that account deterred from purchasing and perhaps leaves the country in disgust." Outside of this apparent unpleasing feature it could think of nothing else that would not be attractive.<sup>6</sup>

There was during the same period a thriving "Lexington Emigration Society" at the Blue Grass Capital. It carried out a program similar to the society at Washington. These societies were especially anxious to catch up any rumors unfavorable to Kentucky and their immediate vicinity and to show the falsity of them. The Lexington society strongly desired the report that many people had been moving from Kentucky into the Spanish dominions. It declared, "The report is notoriously ill grounded, and we can boldly assert that of the great number who have, by the artful representations of the interested, been induced to visit that country, *very few* indeed have settled on any part of the Mississippi, whilst the far greater proportion have returned, disgusted with the Spanish government, and with an increased affection for Kentucky."<sup>7</sup>

During this early period of the development of the state, there seems to have been no real dearth of settlers bound for Kentucky to stay. During the decade from 1800 to 1810, the population almost doubled. At the later date, it numbered 406,511. Francois Michaux noted in his travels through the state in 1802 the rapidly increasing price of land. He observed that this must be expected in a region where 20,000 people were being added annually. He saw a practice which was far too common in the western country during this time. Men took advantage of the mania for land and exacted hard bargains or deliberately defrauded the incoming settlers. "The stock-jobbers profited by this infatuation, and, not content with a moderate share of gain, practiced the

<sup>6</sup> *Mirror*, October 28, 1797. Also November 4, etc.

<sup>7</sup> *Mirror*, September 30, 1797; *Kentucky Gazette*, September 16, 1796; Ranck, *History of Lexington*, 202.

most illegal measures to dispose of the land to great advantage. They went so far as to fabricate false plans, in which they traced rivers favorable to mills and other uses; in this manner many ideal lots, from five hundred to a hundred thousand acres, were sold in Europe, and even in several great towns of the United States."<sup>8</sup>

Some of these large land development schemes were highly speculative and glaringly fraudulent. Some of them were very bizarre and pointed to a foreign origin or manipulation. Highly colored accounts of whole townships being acquired and towns on the verge of springing up were sent out. The names of some of the towns to be built were Lystra, Franklin and Ohiopiomingo. The first of these towns to be located on the Salt River and was to be composed of 188 lots. It was to be the choice spot of a great estate to embrace 15,000 acres. The place of the town was regarded as the most beautiful in the world. It was laid off in twenty-five large blocks or squares with a park in the center of each. In the center of the town itself there was to be a circular park surrounded by an avenue 100 feet wide. The four spaces lying between the four points where the circular park was tangent to the straight lines of the city were to be used for the sites for a church, college, town hall, and amusement center. All streets were to be 100 feet wide. For the purpose of early attracting a substantial population, the promoters offered one lot free each to the first school master, the first college president, the first member of the lower branch of Congress, the first United States senator, the first judge, the first minister, and the first hotel keeper. To profit by this offer, however, it was necessary to construct a house on the lot.<sup>9</sup>

Another important paper town was Ohiopiomingo located on the map thirty miles below Louisville on the Ohio River. It derived its name from the river and an Indian chief by the name of Piomingo. And to show further respect for this warrior of the forests, "a man greatly believed and respected not only by the Indian tribes but also by the whites \* \* \* a pedestrian statue of him—habited as an Indian warrior, in the attitude of delivering an oration in favour of liberty," was to be erected. This statue was to cost \$750. The plan of the city called for over a thousand houses with forty-three streets, "a circus and several capital squares," embellished with various handsome public buildings. The city itself was to be the center of a great estate consisting of thousands of acres, which would be cultivated by the townsmen. Each settler should be given one town lot 100 by 300 feet and was to receive 500 acres of farming land leased for 999 years. Rent would be free for the first three years, provided a house and barn were built on the premises and at least twenty acres were cultivated. On the fourth year and thereafter a rental of £5 the hundred acres would be charged. According to the glowing account "The town will enjoy various important privileges and immunities. A college is to be erected for the education of the youth of the tenantry, and also for such children of the Indians as they may choose to send thither for instruction, and due care will be taken to instill into their tender minds the principles of philanthropy, moral rectitude and social order together with the branches of science; as many tend to render them useful members of society, for which purpose the proprietor has appropriated 1500 acres of land toward the endowment of the institution, and also suitable encouragement to such gentlemen of education and undoubted character as may choose to engage in so important a change" An aged gentleman of ninety years with his children and his grandchildren was to head the colonists to the promised land. These schemes were

<sup>8</sup> F. A. Michaux, *Travels to the West*, 225.

<sup>9</sup> The town was projected in what is now Nelson County.

in fact the workings of English speculators as is clearly shown in the arrangements described. They were of course wholly in practice in America; and as they were in fact only paper towns, they never progressed far enough to test the principles. Another large emigration scheme by Englishmen was projected for Nelson County not so far from Lystra. This estate was to be filled with Welshmen. But few if any ever came.<sup>10</sup>

Apart from the wild schemes of visionary speculators, there were some towns founded during this period by deliberate townbooming and advertising by hand-bills and in the public press. As an example of this more substantial development was the case of Martinsburg which was described a "town laid out in a beautiful large bottom lying on the Kentucky river." In order to make a beginning, this ambitious town offered to give a lot free to the first ten settlers.<sup>11</sup>

As was only natural, the growth of towns was slow, compared with the general development of the state. Towns had no attraction socially or economically, while the fertile lands remained unoccupied. Manufactories had not yet come to draw people to these centers. In 1800, not 6,000 people out of a total of over 220,000 in the state, lived in towns. Twenty-nine towns were returned in the second census. Lexington was, of course, the largest with a population of 1795. Frankfort came next in size, followed in order by Washington, Paris, Louisville, and Georgetown—all with more than 300. There were two towns of over 200 people, but less than 300, and nine towns having between 100 and 200. Twelve towns reported less than 100. Ten years later the number of towns had greatly increased together with the urban population. Fifty-two towns were returned in the census for 1810. Three towns now stood beyond the thousand mark: Lexington, with 4,326, Louisville, 1,357 and Frankfort 1,099. It will be noted that Louisville has forged ahead of Frankfort, due largely to the increasing river business.

The opening up of the so-called Green River country brought about an important population movement and development. It was the case here of entering unappropriated lands by homeseekers, according to numerous laws which were enacted to regulate the sale of these lands. There followed a round of legislation beginning in 1795, which lasted for many years to come and which added further to an already complicated land system. The first law (1795) opening these lands provided that each householder should receive a maximum of 200 acres at the rate of \$30 per hundred. The fee-simple title in the land was not to be obtained until the land should be paid for in full. A large number of settlers were immediately attracted into this region, who had little means or inclination to pay for the lands unless forced to it.<sup>12</sup>

Speculation set in at this time which was long a curse to the region. The most daring example of it was seen in an attempt in 1795 by a group styling themselves Elijah J. Hall and Company to buy all the public lands south of the Green River for \$250,000. This scheme was put through the Senate; but on reaching the House it was defeated 19 to 13.<sup>13</sup>

In 1797 a new act was passed to further encourage settlers to this country. It allowed all those settling before July 1, 1798, a maximum of 200 acres, with one year's credit. At least two acres must be cultivated, and enclosed by a fence. The price of the land was to vary according to its quality. Best land would be sold for \$60 per hundred

<sup>10</sup> W. Winterbotham, *An Historical, Geographical, Commercial and Philosophical View of the American United States and of the European Settlements in America and the West Indies* (London, 1795), III, 141, 148; Collins, *History of Kentucky*, II, 599, 646.

<sup>11</sup> *Kentucky Gazette*, May 9, 1798.

<sup>12</sup> Marshall, *History of Kentucky*, II, 178.

<sup>13</sup> *Ibid*, 184; Collins, *History of Kentucky*, I, 24.

acres; while the remainder would be charged for at the rate of \$40 per hundred acres. This opened a loop-hole for the sale of most of the land at the latter price, as first rate land for purposes of sale was difficult to find. Indulgences were granted by this law to those who had previously settled and who had not paid their debts fully. This was the first of a long line of relief laws for the Green River settlers, which made the "Green River Debt" a by-word and term of reproach. As the population increased, this region grew in importance and influence in the councils of the state. Its representatives at Frankfort demanded relief after relief in the payment of their land debts, and, through log-rolling and trading in legislation were generally successful. The *Kentucky Gazette* in referring to this subject in 1814 declared that these debts had "some bearing on almost every subject which can be introduced into the Legislature."<sup>14</sup>

In 1798 there were passed two acts concerning the Green River lands, one in the January session and the other in the November session. The latter law extended the credit to four years, with equal annual instalments being paid; while those who had purchased under the original act were allowed six months further credit. The next year saw three additional laws on the subject. In the 1800 session of the Legislature two more acts were passed directly for the relief of the settlers. These acts lowered the price of lands to \$30 and \$40 the hundred acres and extended the period of credit to nine years. Numerous other laws followed granting indulgences to the Green River settlers and dealing with many other aspects of the complicated land system—a course of legislation which did nothing to simplify it.<sup>15</sup>

At the same time the Green River section of the country was being settled, there was also thrown open for entry a much smaller region in the southeastern part of the state, including Bell, Knox, Whitley and other counties. This was secured by the United States in 1805 from the Cherokee Indians for the benefit of Kentucky.<sup>16</sup>

The rapid settlement of the state and the spread of population into the Green River region is seen in the large number of counties created. When the state came into the Union in 1792 it consisted of nine counties which had been erected by the Virginia Legislature. By 1800 the number had been increased by thirty-four. The first Legislature set the pace by creating eight new counties. These were for the most part divisions of the old counties in the Bluegrass region. The exceptions were Logan, Hardin, and Green, which lay to the southwest. In 1796, six more counties were set up, two of them being in the Green River section. Before 1800, seven new divisions were made in this region. The most consistent development as shown by county divisions was in this Green River country. The movements for new counties was not dictated wholly by the needs of the population. There was a mania for new counties in every session of the Legislature during this period, and only by determined efforts could it be controlled. In 1798 thirteen new counties were erected.<sup>17</sup> And although in some cases counties were undoubtedly set up without any real necessity; still the state was so rapidly filling up that the necessity was likely soon to appear.

A problem of prime importance at this time was the development of transportation facilities within the state. There was also much interest in securing adequate roads to the East. The Cumberland Gap Road was the chief land route eastward; while the Ohio River afforded water com-

<sup>14</sup> February 14, 1814.

<sup>15</sup> Marshall, *History of Kentucky*, II, 178-182; Butler, *History of Kentucky*, 258-261.

<sup>16</sup> Wm. Ayres, "Land Titles in Kentucky," in *Proceedings of Kentucky State Bar Association*, 1909, 166.

<sup>17</sup> For the mania in 1798, see *Palladium*, November, December, 1798.

munication a considerable distance of the way. In boat building and in contriving new types, Kentuckians became preeminent. The "Kentucky boat" early became famous on the western waters. Ways to the Eastward were of more concern as being inlets to the state for settlers, than as outlets for commerce. In fact trade was destined to seek the easiest way out, which was by the rivers and therefore southward, until many years later, when the railroad should make its appearance. Of great concern, also was mail connections direct with the seaboard states. In 1793, one Jacob Meyer advertised a boat service from Limestone (Maysville) up the Ohio to Pittsburg. He stated that his boat was well-armed against the Indians and that he would convoy other boats, and also carry passengers and mail. The following year the United States established the first regular post road to Kentucky. Starting from Pittsburg, it ran "by Washington in Pennsylvania, West Liberty in Virginia, and Wheeling on the Ohio to Limestone on the Ohio and Fort Washington; from Limestone by Bourbontown [Paris], Lexington, Frankfort, and Harrodsburg, to Danville in Kentucky. From Danville by Bardstown to Louisville." In 1798 letters were sent over the Cumberland Gap road as well.<sup>18</sup>

In order to develop internal roads and at the same time aid outside connections, the state early turned toward the construction of a better road to Cumberland Gap. This so-called road was as yet a mere trace, over which no wheeled vehicle had yet gone. In 1794, before the main trail had been developed into a wagon road, the Legislature passed an act appointing commissioners to raise a fund for clearing a road from Milford, then the county seat of Madison County, to Hazelpatch on the Cumberland Gap Road. This was to be the first feeder road to the main highway. In his message to the Legislature in 1795, Governor Shelby advocated the building of roads to the eastern states. He believed the state government should aid in their construction with the surplus revenues.<sup>19</sup> In compliance with this suggestion, the Legislature passed in the same year an act providing for the construction of a wagon road "to commence in the neighborhood of the Crab Orchard and to terminate on the top of Cumberland mountain, in the gap through which the present road to Virginia passes." The plan was to enlarge the existing road, increasing its width to thirty feet and levelling and otherwise improving it; and for this purpose £2,000 was appropriated out of the state treasury.<sup>20</sup>

The state immediately advertised for bids for constructing the road. Among those who submitted proposals was Daniel Boone, who had himself laid out the original trail twenty years previously. His letter to Governor Shelby follows:

february the 11th 1796

Sir

after my Best Respts to your Exceloncy and famly I wish to inform you that I have sum intention of undertaking this New Rode that is to be Cut through the Wilderness and I think My Self intiteled to the offer of the Busness as I first Marked out that Rode in March 1775 and Never Re'd anything for my trubel and Sepose I am No Statesman I am a Woodsman and think My Self as Capable of Marking and Cutting that Rode as any other man Sir if you think with Me I would thank you to wright mee a Line by the post the first oportuneaty and he will Lodge it

<sup>18</sup> Speed, *Wilderness Road*, 65-68.

<sup>19</sup> *Kentucky Gazette*, November 28, 1795. In a letter to John Grant, November 15, 1795, Governor Shelby stated that he did not think it would cost more than £1,500. *Breckinridge MSS.* (1795).

<sup>20</sup> Collins, *History of Kentucky*, I, 537, II, 242; Speed, *Wilderness Road*, 47-51.





MONUMENT ERECTED TO BOONE ON THE "WILDERNESS ROAD" IN THE GAP  
Was Erected by the Daughters of the American Revolution  
(Courtesy of H. H. Fuson, Covington)

at Mr. John Miler son hinkston fork as I wish to know where and when it is to be Laet So that I may atend at the time.

I am Dear Sir your very omble servant

DANIEL BOONE.

To his Exceloncy governor Shelby." <sup>21</sup>

Likely due to a lack of assertiveness, Boone did not receive the contract.

Work on the road was soon begun, and within two years a wagon road had been completed from Crab Orchard to Cumberland Gap. In 1797 the Legislature appropriated £500 to repair the road, and at the same time provided for the setting up of a toll gate.<sup>22</sup> The concession for collecting the tolls was given to the highest bidder. All money remaining after the expenses for keeping the road in good repair were deducted should belong to the keeper of the toll gate. The following toll rates were established by law: for every person, except post riders, expressmen, women, and children under the age of ten years, 9 pence (12½ cents); for every horse, mare, or mule, 9 pence; for two-wheel carriages 3 shillings (50 cents); for four-wheel carriages 6 shillings; and "for every head of neat cattle going to the eastward," 3 pence.<sup>23</sup>

The old Virginia laws regarding the maintaining of roads and the opening of new ones, were continued in Kentucky when it became a state. The re-enactment of a Virginia law in 1797 provided that new roads should be laid out under surveyor's appointed by the county courts and that with certain exceptions they should be maintained by all male laboring persons over sixteen years of age. It also gave considerable powers to the surveyors. In the absence of bridges they were allowed to use mill-dams, which for this purpose had to be at least twelve feet wide. They were also authorized to impress wagons, timber, and other necessities along the highway, which however, had to be paid for out of the county funds.<sup>24</sup> It is thus seen that outside of certain trunk highways, the state government concerned itself very little with roads. The counties were the governing units in this respect.

But roads that approached proportions of more than local county extent, but still might not be as important as the Cumberland Gap Road came under state concern. In 1793, the Legislature provided for the building of a road to connect Frankfort with Cincinnati, as such a road would be "productive of private convenience and public utility, and the route lying through an unsettled country which cannot be cleared in the usual manner by order of the county courts."<sup>25</sup> In 1802 the state provided for the opening of a road from Paris or Mount Sterling to the Big Sandy River as such a road "would save a considerable distance in traveling from this country into the eastern states." This road was to be built by county subscriptions, rather than by direct aid from the state. Outside of the appropriations to the Cumberland Gap Road, the state gave no aid to roads until the era of internal improvements set in in the '20s. And until then there was no definite road policy. As an approach toward a system of uniform roads, a law was passed in 1801, requiring all roads between county seats or to salt works or to the capital to be at least thirty feet wide, with the right of the county courts to extend them to forty feet.<sup>26</sup> To facilitate travel to the Goose Creek Salt Works the Legislature in 1813 appointed commissioners to keep the road in repair. All male persons who were subject to labor on the roads

<sup>21</sup> Collins, *History of Kentucky*, II, 242.

<sup>22</sup> Speed, *Wilderness Road*, 47-51.

<sup>23</sup> Collins, *History of Kentucky*, I, 537.

<sup>24</sup> Collins, *History of Kentucky*, I, 537.

<sup>25</sup> Collins, *History of Kentucky*, I, 538.

<sup>26</sup> Collins, *History of Kentucky*, I, 538.

by general law and who lived within five miles of the road were required to work three days a year for its upkeep; and in return the road should be free to them. Also all persons going for salt, and post riders and expressmen were allowed to travel the road free. Others were required to pay tolls.<sup>27</sup>

It was perhaps only natural that a greater interest should be early manifested in developing river navigation than in building roads. From the beginning there was a conflict of interest in dealing with the subject of river navigation. Of course, of primary concern was the clearing of obstructions and the rendering of the rivers navigable; but at the same time the erection of mill dams was recognized as a necessary development. There was also a considerable secondary concern manifested in the passage of fish upstream. The First Legislature passed a law in 1792 which imposed a fine of \$2 a day against any person placing obstructions in navigable streams against the passage of fish or boats. This act did not refer, however, to mill dams or other water obstructions of a public utility, erected according to the old Virginia laws. The policy of the state vacillated between the interests of navigation and grist mills, and whatever policy existed at a given time was not uniformly applied to all streams throughout the state. In 1793 an act was passed looking toward the opening to navigation of the south fork of the Licking River. The Stoner fork was also to be opened; but in this case the existing mill-dams were not to be removed. However, within seven years locks had to be built around each of these obstructions, rendering the passage of boats possible. The next year saw the passage of a law requiring the removal within six months of all dams and other obstructions in the main Licking stream and in Slate Creek, under a penalty of £30 for refusal or negligence. But the confusion and conflict of interests caused a new law which allowed mill-dams on the Licking, provided they should be made according to certain specifications and should have locks and slopes allowing the passage of boats and fish. But these laws were evaded, and the frequent changes in the policy of the state led to the feeling that further indulgences could always be had.

The Kentucky River was at this time the most important river in the state. It led into the very heart of the Bluegrass region, which was the population and economic center of the state, and thence into the mountains of the eastern part of the commonwealth. Without improvements, it was possible to use it with certain kinds of boats far into the interior. Elijah Craig, one of the most enterprising men of this early period, in 1795 made the following announcement regarding commerce on the river: "The subscriber informs the gentlemen, merchants, and emigrants to Kentucky, that he will be at the mouth of the Kentucky River on the first day of February next, with a sufficient number of boats to transport all goods, etc., which they may think proper to intrust him with, up the river. He will also keep a storehouse for the reception of any goods which may be left with him. Carriage of goods to Frankfort 50 cents per hundred, to Sluke's warehouse 75 cents, to Warwick 100 cents, Dick's river 125 cents."<sup>28</sup> But the improvement of the navigation of the river was necessary for a really effective use of it. Martin Hawkins in 1799 made a survey of the river from its mouth to Frankfort, in which he noted all the rapids and other obstructions to navigation, and submitted it to the Legislature. He stated that the river could be made navigable throughout its length at no greater expense than \$10,000, and that certain persons were willing to undertake the work for the state in that understanding. They would receive

<sup>27</sup> *Acts of Kentucky 1812*, 41, 42.

<sup>28</sup> Notice in the *Sentinel of the North-West Territory*, January 15, 1795, quoted in Collins, *History of Kentucky*, II, 120.

their payment in land at 50 cents an acre. This movement did not receive the approval of the Legislature.<sup>29</sup>

Up until 1801 the laws regarding river navigation had been rather negative than positive. But in this year the Legislature chartered the first company organizing for rendering a stream navigable. This was the Kentucky River Company capitalized at \$10,000, and including in its membership Christopher Greenup, Isaac Shelby, Thomas Todd, Gabriel Slaughter, and William Logan. It was given the right to clear out of the Kentucky River from its mouth to the mouth of the South fork all obstructions which "they may judge will impede or obstruct the passage of boats, or which shall be absolutely necessary to improve the navigation of the river." When the work should be finished and the state should approve it, the company might then put into effect a certain schedule of tolls. Boats were required to pay tolls according to their length, and those laden with coal, lime, iron, or other mineral products and those carrying household furniture were given a 25 per cent reduction. The undertaking was too costly for this company; and so in 1811 another attempt was made under a new group of men. They were given permission to raise \$10,000 by lottery; but they, too, were unable to effectively carry out their purpose. This improvement as well as internal improvements generally had to await the time when the state should actively take control.

Much piece-made legislation filled up this intervening time which lacked unity of policy or application. An interesting and unusual method was used in improving the navigation of Green River. An act of the Legislature in 1808 treated this river as if it were a dirt road. Overseers were appointed in the different counties traversed by the river to "work it" with hands living along the course of the stream. They were required to remove all obstructions, including mill-dams unlawfully erected. In other instances, rivers were improved by local subscriptions, county levies, and lotteries.<sup>30</sup>

One of the most important problems of early concern and which long remained of primary interest was the construction of a canal around the falls of the Ohio at Louisville. The idea challenged the interest and imagination of the first visitors; but nothing of a substantial nature was done until 1804. In this year the Legislature passed an act incorporating the Ohio Canal Company for the purpose of building a canal around the falls on the Kentucky side of the river. One thousand shares were to be issued at \$50 each, and books for subscription were to be opened in the principal towns throughout the state. The right to hold a lottery to raise \$15,000 was granted. Tolls were to be exacted in general according to the length of the boat, and boats carrying mineral products and household furniture were given a 25 per cent reduction from the regular tolls.<sup>31</sup>

The contemplated company was slow in organizing, and very little headway was made for some time in doing anything definite. The project was rather stupendous and naturally caused some hesitancy. The associates, therefore, memorialized Congress on the subject, asking for aid. They believed that the National Government should afford them "such aid and encouragement as may be deemed commensurate to the undertaking, either by a donation of twenty-five thousand acres of land, or the privileges of a right or preemption to one hundred thousand acres \* \* \* at the same prices for which the other lands of the United States are sold, but upon more liberal terms of credit, and

<sup>29</sup> Butler, *History of Kentucky*, 293; Marshall, *History of Kentucky*, II, 317, 318.

<sup>30</sup> Collins, *History of Kentucky*, I, 542-544; Marshall, *History of Kentucky*, II, 70, 71.

<sup>31</sup> Collins, *History of Kentucky*, I, 551.

without demand of interest.”<sup>32</sup> The committee of the Senate, to whom the memorials were referred, reported that all its members had personally visited the site of the proposed canal, that they believed in the practicability of the undertaking, that they were mindful “of its vast benefit and importance to our whole western country, especially to that part of it which is connected with the western waters, and that it must necessarily enhance the value, and greatly increase the sales of the public lands.” They, therefore, had no hesitancy in recommending to Congress the granting of either of the terms asked for; but until the company was fully organized, they believed it unwise “to offer any specific proposition on the subject.”<sup>33</sup>

As the law of 1804 incorporating the Ohio Canal Company was generally considered inadequate for the purpose in that it was “defective in many of its important provisions,” and as it seemed that material aid could be obtained from Congress if the company were better organized, the Legislature on December 20, 1805, passed a new act. The capitalization was now increased to \$500,000 consisting of 10,000 shares at \$50 each. Special efforts were made in the act to aid the raising of funds. The state agreed to subscribe 1,000 shares, which were to be paid for at the rate of not over \$10,000 annually. Another thousand shares were to be reserved for the disposition of the state. It was made lawful for the company “to receive from the United States, or from any State, or from any body corporate or public, donations of land, money or other chattels, for the use of the said company, and to receive for the same use and purpose, voluntary subscriptions and donations from any individual or individuals, who may be disposed to encourage and promote the objects of this act.” The United States Government was given permission to subscribe for not over 1,200 shares. Of the other states that should be directly interested in the canal Pennsylvania and Virginia were allowed to take not more than 600 shares each, and Maryland, New York, and Ohio not exceeding 400 shares each. The right to hold a lottery was given the company, whereby \$30,000 might be raised. The canal and all works connected with it were declared to be forever “exempt from the payment of any tax, imposition or assessment whatever.” Work on the canal had to begin within three years and the whole undertaking finished before January 1, 1815. The canal was declared to be forever “free for the transportation of all vessels and boats, and of all goods, commodities, or produce whatever, upon payment” of tolls. A schedule of tolls, subject to change by the Legislature, was established providing for a charge of 12 cents a ton for vessels between 400 and 100 tons burden and a rate for each vessel between 100 tons and 20 tons ranging from \$11.75 to \$6.00.<sup>34</sup>

Efforts were immediately taken toward pushing the undertaking through. On the day following the new canal act, the Legislature directed the governor to immediately transmit to the governors of Pennsylvania, Virginia, Ohio, New York, and Maryland, the act incorporating the canal company and other documents concerning the project.<sup>35</sup> On the same day the Legislature petitioned the United States Government for aid. It reiterated the argument that the canal would “greatly increase the value of the national domains and render them a much more productive source of revenue to the United States.” It asked that the company be aided “either by subscription, or donation in land, or otherwise, as you in your wisdom may prescribe,” and gave the assurance

<sup>32</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 419.

<sup>33</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 419; *Durrett MSS.*

<sup>34</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 823-826; Collins, *History of Kentucky*, I, 551.

<sup>35</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 822.

that the project would not probably cost over \$200,000. The Legislature also felt "no hesitation in giving it as their decided opinion that the Kentucky side is the best for a canal \* \* \* but as some competition has arisen on the subject of preference of the two sides of the river, and should your honorable body entertain doubts on this point, we invite the appointment of an engineer to view the two situations, in whose opinion and report implicit confidence can be reposed." A copy of the canal act and certain other documents were also sent.<sup>86</sup>

The committee of the United States House of Representatives to whom was referred the memorial of the Kentucky Legislature made its report on March 19, 1806. It declared in part that "Of the immense utility of the proposed canal, no one can doubt who reflects for a moment upon the vast extent of fertile country which watered by the Ohio and its tributary streams, and upon the incalculable amount of produce which must, of course, necessarily find its way to market by descending that river and encountering the danger and difficulties of passing its rapids. But, besides the general advantages which would result from the completion of the proposed canal, it is, in the opinion of the committee, particularly interesting to the United States, inasmuch as it would greatly enhance the value of the public lands northwest of the Ohio. There can be but little doubt that, by the additional value it would give to the public lands, the United States would be more than remunerated for the aid which the Legislature of Kentucky have solicited.

"From these considerations, the committee would not hesitate to recommend a donation or subscription of shares to the amount contemplated by the law of the Legislature of Kentucky incorporating the Ohio Canal Company, if they believed the state of the public finances was such as to justify it. But, from the applications already made for aid in opening canals, it is probable that if the United States enter upon expenses of this kind, those expenses cannot be inconsiderable; and, as the revenue of the United States is already pledged, almost to the full amount, for purposes, though not more useful, yet more urgent, the committee are induced" to recommend "That it is inexpedient to grant, at present, the aid solicited by the Legislature of Kentucky, in opening a canal to avoid the rapids of the Ohio."<sup>87</sup>

The committee of the United States Senate to whom was referred the Kentucky documents concerning the canal handed in its report on January 24, 1807. It detailed the findings of Jared Brooks, "who appears to be a skillful and intelligent engineer" concerning the feasibility and cost of a canal and the advantages of building it on the Kentucky side. It admitted "That the work is one of great and national importance is undeniable. The immense country on the Ohio and its waters above the rapids, in seeking a market for its surplus products, has to encounter the obstruction in the navigation of that stream, which they present. This obstruction, never entirely free from danger, is such as to absolutely preclude the passage of vessels for several months in the year in their descent, and, when laden, for the whole year, in their ascent of the river. The rapidity of the current (which averages at the rate of from ten to eleven miles an hour through the falls), leaves no alternative for a safe voyage up as well as down the river but in a canal.

"How far it is the policy of the Government to aid in works of this kind, when it has no *direct* interest—whether, indeed, in such a case it has the constitutional power of patronage and encouragement, is not necessary to be decided in the present instance. Being a proprietor of land bordering upon the Ohio to a greater extent than any individual

<sup>86</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 822.

<sup>87</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 453, 454.

state, owing to an invaluable saline near the Wabash, there can be no doubt that both policy and *power* combine in favor of promoting an undertaking by which its property is to be incidentally benefited. If the value and price of land depend as well upon the facility with which its products find a market as upon its capacity to produce, there can be no doubt that the public lands will be increased in value by improvements in the navigation of those streams which water them. The saline alluded to will have its market enlarged by the opening of the proposed canal; and those above the rapids, as well as those below, may in time count upon it as one of the sources from which salt may be obtained."

But there were certain interests putting forward the claims of the Indiana side of the river as best suited for the canal, and this had its weight with the committee. It stated that "as some contrariety of opinion has existed in relation to the preferable side of the Ohio for the canal, as the information upon which your committee has on this subject acted is rather of an *ex parte* character, and as any aid this Government may think proper to give ought only to be afforded after the most impartial and thorough investigation of the subject" the President ought to appoint three commissioners to examine the whole situation with regard to a canal "and which side of the river presents the greatest advantages for its accomplishment."<sup>88</sup>

Jared Brooks, who was one of the most persistent promoters of the Ohio canal, felt that after all the project was not truly appreciated by Congress, and that certain interests were opposing it for various reasons. "I am well aware of the danger to which this project will be exposed," he declared, "when it meets the eye of an engineer or undertaker of other works, which depend on Congress for assistance. The city [Washington] I have no doubt, will abound with such men, who are under an impression that the amount and encouragement bestowed here will be so much deducted from their concerns; others will condemn it in hope of obtaining a job for themselves; and many members of Congress may be swayed by the great weight and interest in favor of Eastern causes or public works; and there is yet a rancor in the breast of the *over the river party* which will show itself in some form.

"Theoretical architects too often delight in unnecessary expense on all public works; and such are generally incapable of surmounting any other than imaginary obstacles of their own raising; they too often despise the assistance of nature, and substitute their own work, which renders both useless; although in that advance, more expense is incurred than would have perfected the object desired, had there been proper arrangement at the outset."<sup>89</sup>

He also believed the canal would afford other important advantages to the country besides facilitating navigation and enhancing the value of national domain. It would develop water-power so desirable in the manufacturing industry. On this point he said: "The locality of this site, in relation to the country watered by the Ohio and its branches, may, with due attention to improvement, remedy, in a great measure, the deficiency of constant water-falls, so well known through all the valley of Ohio. It must be admitted that there is not a country in the world equally extensive and fertile, more deficient of water-falls to assist in manufactures; that the productions of this country are immense; and that it is favored with an easy navigation during the greatest part of the year to all points except passing the rapids.

"The dormant wealth of this important section of the national domain can be brought into life and action only by a free and open

<sup>88</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 479.

<sup>89</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 821.

navigation, and the assistance of water-works for the encouragement of manufactures.

"This project of the contemplated canal includes the perfection of the navigation, and the supply of water for manufactures to an immense extent; and it is evident that this operation will advance the national interest in a rate of progression that must infinitely exceed the most sanguine calculation."<sup>40</sup>

By the end of 1807, after the elapse of two years from the incorporation of the company, the subscriptions amounted to only \$70,000; and the expenses incurred amounted to about \$2,000. Despite the great efforts made during this period to construct the canal, the whole movement was doomed to failure and not until the enthusiasm born of the era of internal improvements had arrived, did the project go through successfully.

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<sup>40</sup> *American State Papers, Miscellaneous*, Vol. XX, Part I, 822.



## CHAPTER XLI

### AGRICULTURAL AND MANUFACTURING DEVELOPMENT AROUND 1800

The agricultural development of the state was rapid. Its great stores of grain had early given rise to the insistent demand for the free navigation of the Mississippi. In the light of subsequent production the statement of Winterbotham was exceedingly conservative that "Colonel Harrod a gentleman of veracity in Kentucky has lately experienced the production of small grain; and affirms that he had thirty-four bushels of wheat, and fifty bushels of rye per acre."<sup>1</sup> Interest was early manifested in the betterment generally of agriculture. There was established at Harrodsburg on September 13, 1794, an agricultural association called "The Mercer Society for the Encouragement of Agriculture." Samuel McDowell was made president. Meetings were to be held at stated intervals during the summer, and a wide variety of subjects were to be discussed. A list of seventy-eight was made out at the first meeting, and each member was requested to select the ones he was most interested in to discuss at the next session. Among the topics suggested was the preservation and renewing of forests, which is remarkable as an early instance of interest in the conservation of natural resources. Other subjects listed for discussion were the best methods of clearing land, the most suitable way for making hedges; and numerous questions were suggested on the following topics; meadows, pastures, weeds, wheat, rye, oats, barley, flax, cotton, hemp, indigo, rice, corn, ploughs, harrows, stock, horses, black cattle, sheep, hogs, oxen, salt, roots, orchards, bees, and cheese.<sup>2</sup>

Vine culture was begun on the Kentucky River near Lexington by some enterprising Swiss colonists. Much enthusiasm was shown in the beginning; and the Legislature in 1799 passed an act organizing a vineyard society designed to promote the cultivation of the vine. But within a very few years the movement died down. The vines did not thrive; and the grapes usually rotted before maturing.<sup>3</sup>

The raising of fine horses was well under way before the beginning of the nineteenth century. It was a development receiving its impetus to a great extent from Virginia. By 1800 droves of from fifteen to thirty horses were being driven to the South, principally to South Carolina.<sup>4</sup>

The thriving condition of the state along agricultural lines is seen in the price of farm lands. In 1814, many farms were selling for from \$60 to \$100 an acre.<sup>5</sup>

The commerce of the state was developing in large proportion during this period. All exports were, of course, directed down the Mississippi to New Orleans and thence to the Atlantic seaboard and to foreign

<sup>1</sup> Winterbotham, *An Historical View*, III, 133.

<sup>2</sup> *Kentucky Gazette*, October 11, 1794.

<sup>3</sup> Michaux, *Travels to the West*, III, 206, 207; Marshall, *History of Kentucky*, II, 319.

<sup>4</sup> Michaux, *Travels to the West*, III, 244, 245.

<sup>5</sup> *Niles' Register*, VI, 250.

countries. The only Kentucky product that would bear transportation across the mountains was ginseng. In the case of other more bulky products twenty-five pounds transported across the mountains was more costly than £1,000 sent down the river to New Orleans.<sup>6</sup> As a result, boats floating down the river laden with Kentucky products were a frequent sight. Samuel Hopkins wrote from Henderson in 1799 that "the Quantity of boats laden with the various productions of the Western Country that has passed here would be incredible to relate— & now they are passing six or seven every day—with the improvement that a few years would produce & liberal policy in the Eastern States, & General Government, this country would or might administer to the wants of North & South America and their dependencies."<sup>7</sup> Some enterprising men had broad visions of a central control for this commerce, seen in the organization of a great trading company, patterned after the English companies.<sup>8</sup>

The earliest extensive exports was tobacco, which had been really set going by Wilkinson. For a few years this produce was the main commodity sent to New Orleans. The annual export amounted to from 1,500 to 2,000 hogsheads. But before the end of the century flour had forged far to the front, assuming first place over tobacco. Hemp also began to enter in; and pork now began to assume extensive proportions. In 1802, 72,000 barrels of dried pork and 2,485 barrels of salted pork were shipped from the state. During the first half of 1802 products valued at almost \$600,000 were shipped from the state.<sup>9</sup> Much of this was exported to foreign countries. During the year 1801-1802, the foreign exports amounted to \$626,673.<sup>10</sup>

Governor Garrard in his message to the Legislature in 1802, referred to this prosperity and the contentment that was going with it: "Vessels built on our rivers, calculated for transporting our commodities to the most distant quarters of the globe, afford us a flattering view of the resources and future greatness of our country.—Harmony prevails among our citizens, and confidence exists in the national government."<sup>11</sup> But as easy as it was to carry Kentucky products to a market, the satisfaction of the people's wants in imports was not so easily solved. An enterprising shipowner announced in 1804 that he had a barge of forty tons ready to go to New Orleans and that it would ply back up the river. He offered to receive freight in New Orleans for Kentucky at \$5.50 a hundred weight. He admitted that this was a "Measurably new" undertaking; but he believed that a number of articles could be brought up the river "for what they will cost \* \* \* At Philadelphia."<sup>12</sup> But transportation was a fundamental problem which could not be easily solved. It was an underlying condition for the welfare of the state along almost every line. Boats might return up the river, but it was with great difficulty, requiring much time. It took at least three months to bring a barge or boat from New Orleans to Louisville.<sup>13</sup> It was in part the consciousness of this great handicap to commerce that led John Fitch, a Connecticut Yankee removed to Kentucky, to seize the idea while sitting on the banks of the Ohio, that steam could be applied to the propelling of boats on the rivers. This was in June, 1780. His subsequent struggles, which were transferred to the East, produced

<sup>6</sup> F. A. Michaux, *Travels in the West*, 204.

<sup>7</sup> *Breckinridge MSS.* (1799). Dated May 3.

<sup>8</sup> *Mirror*, December, 1797.

<sup>9</sup> Louis Pelzer, "Economic Factors in the Acquisition of Louisiana" in *Proceedings of the Mississippi Valley Historical Association*, 1912-13, Vol. 6, 109, 128.

<sup>10</sup> *American State Papers, Commerce and Navigation*, I, 507.

<sup>11</sup> *Kentucky Gazette*, November 9, 1802.

<sup>12</sup> *Ibid.*, September 25, 1804.

<sup>13</sup> Collins, *History of Kentucky*, I, 518.

for him nothing but disappointments. He built a number of boats between 1787 and 1789 which had temporary success on the Delaware River, but the practical application of steam to navigation remained for Fulton. However, James Rumsey, a Virginian who migrated to Kentucky, had his imagination fired about the same time with the possibilities of steamboat navigation on the great rivers and lakes and the seacoast. By a peculiar contrivance he applied steam to the propelling of a boat on the Potomac in 1786; but again without practical results. Edward West, another Kentuckian by adoption was the first to carry on his experiments in the West. He constructed a small steamboat which he successfully ran in 1794 on the Town Fork of the Elkhorn Creek near Lexington, made navigable by damming the stream. He received a patent for it from Congress in 1802. But the practical touch had not been given, and so it came to nothing.<sup>14</sup>

As long as Kentucky remained largely isolated from the East and the rest of the world, there was of necessity the feeling on the part of many of the enterprising and forward-looking citizens that the state was being held back in her proper development. This lack of proper transportation facilities produced various reactions; but perhaps the most important was the distinct feeling that the state should so turn her activities as to largely nullify this unwelcome condition. Why, it was asked, should Kentucky not be largely self-sufficing in her economic life? She had the raw products, too bulky to be transported far with conspicuous success and profit. It only remained for her people to bestir themselves and convert raw products into finished articles. Thereby they would satisfy the home demands for manufactured commodities, and set up a trade beyond their boundaries in products of concentrated values which could be profitably carried. Manufactories should, therefore, be set up to circumvent transportation difficulties besides serve numerous other goods. An observer argued that: "The local situation of the state of Kentucky, which has deprived it of those sources on which the exchange of agricultural products depends, particularly requires that markets should be created at home, that should open a field to industry, consume the surplus of our present consumption and afford us in return the several conveniences of life.—In short, that without crossing either the Alleghany, or descending the Mississippi; we should be supplied with manufactures equal to those of Great Britain, and with wines of equal quality as those of France and Spain."<sup>15</sup>

The movement for manufactories that had early produced the cotton factory at Danville was thus impelled forward by the very exigencies of the situation. So convinced were the leaders of the state that the destiny of the people state that the destiny of the people lay to a great extent in the direction of the manufacturing industry, that state aid soon came to be agitated. Governor Garrard took note of this in his message to the Legislature in 1800 when he suggested "whether it would not be expedient for the Legislature to encourage manufacturing men of industry, probity and ability,—by affording such pecuniary aids as may be deemed consistent with the interests and resources of the commonwealth."<sup>16</sup> Two years previously a group of business men had sent a petition to the Legislature recounting the advantages to the state generally of building up cotton manufactories and stating that the company had provided all the elements necessary to beginning the business, such as cotton supplies and skilled laborers. The only problems to be met was the raising of the necessary capital. They, themselves, had already subscribed £1000; and now in their estimation, if the state would lend

<sup>14</sup> Collins, *History of Kentucky*, II, 174, 649, 650.

<sup>15</sup> July 7, 1806. *Western World*.

<sup>16</sup> *Palladium*, November 4, 1800.

them another £1,000, the business could be set going within a short time. This petition was referred to a committee but never acted upon.<sup>17</sup> This effort to secure state aid was in perfect keeping with the attitude of this growing western democracy toward the purpose and duties of a Government. They held that it should do more than enunciate pleasing political theories; it should directly aid any project for the general good. In pursuance of this idea and greatly aided by the wartime patriotism then so abundant in the state, the Legislature passed an act in 1814 exempting from taxation all capital used in the purchase of goods manufactured in Kentucky or in any other part of the United States.<sup>18</sup>

Another phase of the movement toward establishing manufactories in the state is seen in the feeling rather widespread that the purchasing of goods made outside of Kentucky and especially in Great Britain was enervating the people. Despite the fundamental prosperity of the state as evidenced by its wonderful growth during this period, there was a sense among many that times were hard, due almost wholly to the lack of a circulating medium of exchange. There were numerous complaints about the lack of money, and consequent hard times. Where has the money gone, it was asked. The invariable answer supplied was that too many people were using merchandise made by Great Britain; and the invariable remedy suggested was Kentucky manufactories.<sup>19</sup>

A correspondent to the *Mirror* in 1797 called attention to the orgy of spending what seemed to have possessed his fellow-citizens. He said that too many people seemed to think "that dollars at any time might be gathered from the tops of their Hickorys and Buck-eyes, and their only anxiety seemed to be, by what means to get rid of them fast enough." He declared they were buying too much merchandise from east of the mountains. He vividly called their attention to the fact that "Pack-horses, and even wagons, loaded with dollars destined for Philadelphia remittances, have been latterly no uncommon sight on the high roads of this country, but a few years since a wilderness." He summed up the logic of the situation in this terse statement, that "Exportation, not importation, is your *Way to Wealth*. \* \* \*"<sup>20</sup>

The people in Bourbon County became greatly aroused over the situation. On February 19, 1800, a meeting was held in Paris, which established the Bourbon Association. The object of the gathering was to take into consideration the alarming situation of the county brought about by the scarcity of money, and to discover a remedy. A set of resolutions was passed declarative of the program to be followed. The first resolution stated "That after the first day of April next, we will not purchase from merchants, traders, or others, any of the following enumerated, imported, manufactured articles, to wit: Woolens, linens, cottons, silks, hats, shoes, saddles, sugars, or imported liquors of any kind (wines used as a medicine, or in religious societies only excepted) unless the same can be purchased and paid for in articles made of the growth or manufactures of this state." They further resolved to "encourage the raising of sheep, the cultivation of hemp, flax, and cotton—and promote home manufactures of every kind." Solemn oaths were taken by all members to comply with the pledges set forth in the resolutions; and in order to further the interests of the association and to spread it over the state meetings were to be held every month.<sup>21</sup>

Under stimuli from many angles the interests of the people were turned toward manufacturing to a degree that was perhaps not sur-

<sup>17</sup> *Palladium*, August 4, 1801.

<sup>18</sup> *Argus*, November 16, 1831.

<sup>19</sup> *Palladium*, January 30, 1800. Throughout this period there were many communications of like import.

<sup>20</sup> November 18, 1797. Article signed "Merlin."

<sup>21</sup> *Palladium*, March 13, 1800; Marshall, *History of Kentucky*, II, 325, 326.

passed in any other part of the country. Their ambitions were great and varied in the manufacturing industry. Coupled with the agricultural expansion, the labor situation became aggravated. Wages became exceedingly high—much higher than in the East. But in this there was a blessing in disguise. The scarcity of workmen set enterprising men busy in efforts to invent labor-saving machines and devices. Francois Michaux, in his travels through the state, observed that "The want of hands excites the industry of the inhabitants of this country."<sup>22</sup> He also noted a number of new inventions that had been applied to manufacturing. A nail cutting machine, invented by Edward West of steamboat fame and patented in 1802, turned out in twelve hours 5,320 pounds of nails. He later sold this invention for 10,000. Another Lexingtonian invented a machine for cleaning hemp, which, it was said, would break and clean 8,000 pounds a day.<sup>23</sup> Numerous other inventions of lesser importance appeared in the state during the early part of the nineteenth century.

A machine for spinning cotton and wool attracted considerable attention. The Legislature was prevailed upon to investigate the practicality of the invention, and let the people know its usefulness. A committee of eight from the House and four from the Senate was appointed in 1814 to examine the invention and report their "Opinion of the utility and advantages of a machine, the property of Stephen Andres, for spinning of wool and cotton."<sup>24</sup> The committee reported favorably; and for many months this machine was advertised in the Kentucky press, carrying a testimonial of merit from the Legislature.

The progress of manufactures was well in keeping with the enthusiasm so abundantly displayed. Mills manufacturing a great variety of articles sprang up. Lexington became the manufacturing center of the state and indeed the metropolis of the West. A Pennsylvanian who traveled through Kentucky in 1805 had this to say: "Lexington is the largest and most wealthy town in Kentucky, or indeed west of the Allegheny mountains; \* \* \* the Main street of Lexington has all the appearance of Market Street in Philadelphia on a busy day. \* \* \* I would suppose it contains about 500 dwelling houses, many of them elegant, and three stories high. \* \* \* About thirty brick buildings were then raising, and I have little doubt but that in a few years it will rival, not only in wealth but in population, the most populous inland town in the Atlantic States. \* \* \* The country around Lexington, for many miles in every direction, is equal in beauty and fertility to any thing the imagination can paint, and is already in a high state of cultivation."<sup>25</sup> Another traveler declared that "Lexington is expected to become the largest inland town in the United States. Perhaps there is not a manufactory in this country which is not known here."<sup>26</sup> Francois Michaux stated in 1802 that its business included "its tow printing offices, in each of which a newspaper was published twice a week, its paper manufactory, its two extensive rope-walks to supply the shipping on the Ohio, its several potteries, one or two powder mills, and on the banks of the little river, which runs near the town, several tan-yards."<sup>27</sup> Another evidence of the bustling character of Lexington was the fact that in 1814 town lots were selling as high there as in Boston.<sup>28</sup>

The manufacture of whisky became early an important business. The

<sup>22</sup> F. A. Michaux, *Travels in the West*, 200.

<sup>23</sup> F. A. Michaux, *Travels in the West*, 200; Collins, *History of Kentucky*, II, 174.

<sup>24</sup> *Acts of Kentucky*, 1813, 223.

<sup>25</sup> Collins, *History of Kentucky*, II, 175, 176.

<sup>26</sup> Ranck, *History of Lexington*, 241.

<sup>27</sup> Collins, *History of Kentucky*, II, 175.

<sup>28</sup> *Niles' Register*, VI, 250.

first Bourbon whisky was made in Georgetown in 1789.<sup>29</sup> The widespread interest in this business is evidenced by this notice appearing in 1798 in the *Lexington Herald*: "To Distillers and others who may encline to carry on the business of rectifying spirituous liquor and the manufacturing cordials in an extensive manner, may now be supplied with the necessary articles for carrying on the same by applying at the sign of Andre M'Call's Apothecary's Shop near the Stray Penn, Lexington,"<sup>30</sup>

Great progress had been made in the manufacturing industry by 1810; and the interests of the people seemed to have been set upon it as of prime importance. The extent and variety of her manufactories bespoke a great future for the state. In this year a factory for manufacturing oil carpets was set up in Lexington. The editor of the *Reporter* announced that, "It is a proud satisfaction to us, that every day renders our country more independent of foreign aid, and conspicuous for improvements. The establishment of the *Oil Floor Cloth Manufactory* calls for the patriotic encouragement of our citizens."<sup>31</sup> But the production and the manufactories of hemp soon came to be the outstanding industry. In Lexington alone there were in 1810, nine ropewalks and four cotton bagging-mills. Other manufactories of hemp were twine, fish lines, seine-twine, and cables. Hats, boots, shoes, and sail-cloth were also made in considerable quantities.<sup>32</sup> Within eleven years the hemp manufactories had increased forty times.<sup>33</sup> Powder making was also an important industry. Salt petre was obtained from numerous caves in the state, used in the manufacture of powder. In 1810, 500 pounds of salt petre was being secured each day from the Big Bone Cave alone. Kentucky powder was finding its way into almost every state in the Union.<sup>34</sup> Indeed, the lack of transportation facilities had taught the people to add to value by labor and decrease the size of their products.

The unbounded optimism and prosperity that generally characterized the times is seen in a letter from Col. Thomas Hart of Lexington to Governor William Blount in 1795. He stated that he was "living in affluence, and making money." He continued, "We arrived in this country about the first of June last and with us we brought between three and four thousand pounds worth of goods which we distributed amongst the stores we then had Established here. And after fixing ourselves to work in the manufacturing of [illegible, likely nails and rope] I sent my son back and he started in the month of November with between 7 and 8,000 pounds worth of goods, about 2,000 of which he put in the retail stores, and sold of the residue chiefly by wholesale, on which he received a profit of upwards of £1,700, wound up his business and is now on his way with Mr. Price (our son-in-law who I have prevailed on to throw aside his law Books, and enter into the Mercantile business) to Philadelphia and intends bringing [torn] of Merchandise back, and to make hay while the sun shines, as the old proverb is. Our nailing business is a very pretty thing in this country. 25 hands net me a clear profit of 20 dollars per day, and a rope manufactory that I have all ready to set going as soon as the winter breaks, will also be profitable, and I am building a large shop and I shall set four forges agoing at this Blacksmith business in a few days. I am afraid that you will think that I have too many irons in the fire and that some of them must burn, but when I assure you that I am but

<sup>29</sup> Collins, *History of Kentucky*, I, 516.

<sup>30</sup> April 17, 1798.

<sup>31</sup> Quoted in *Kentucky Gazette*, May 29, 1810.

<sup>32</sup> McMaster, *History of the People of the United States*, III, 505.

<sup>33</sup> *Kentucky Gazette*, September 18, 1810.

<sup>34</sup> *Niles' Register*, VI, 249.

65 years of age, and do not entertain company more than twice a week, you will not think me wrong especially when I tell you that I feel all that ardour and spirit for business I did forty years ago, and consider myself more capable to conduct it. O if my old friend, Uncle Jacob [Blount] were but living and in this country, what pleasure we should have in raking up money and spending it with our friends, but may not I, my dear friend (when your administration is out) hope for the pleasure of seeing you your worthy lady and family in this country, it really is one of the finest in the world. \* \* \*<sup>35</sup>

The more important manufactories of the state in 1810 were: 15 cotton manufacturing establishments, producing over 4,000,000 yards of cloth of all sorts, valued at more than \$2,000,000, with 23,599 looms and 21 carding machines; 13 mills producing hemp bagging for cotton bales and 38 rope-walks, consuming 5,755 tons of hemp; 33 fulling mills; 4 furnaces; 3 forges; 11 naileries making 87½ tons of nails; 267 tanneries; 9 flax seed oil mills; 2,000 distilleries; 6 paper mills; 63 gunpowder mills, producing 115,716 pounds of powder; 201,937 pounds of salt petre produced; and 36 salt works making 342,870 bushels of salt.<sup>36</sup> Seven years later Lexington alone boasted of the following establishments: 12 cotton manufactories; 3 woolen mills; 3 paper mills; 3 steam grist mills; gunpowder mills capitalized at £9,000; a lead factory; iron and brass foundries capitalized at £9,000; 4 hat factories; 4 coach factories; 5 tanners and curriers; 12 hemp manufactories for making cotton bagging and hempen yarn with a total investment of £100,400; 6 cabinet makers; 4 soap and candle factories; 3 tobacco factories; and various other manufactories with an investment of £120,000. The total capital invested in all the Lexington factories was estimated at £467,225.<sup>37</sup>

During this period Kentucky bid fair to become one of the most important manufacturing centers of the nation. She called upon both state and nation to aid and protect her growing industries. In January, 1809, the Kentucky House passed a resolution that after the following June 20th, members of the Legislature should wear home-made products. There were only two dissenting votes, one of which was that of the contentious Humphrey Marshall. In the heat of the debate that followed was developed one of the reasons for the duel between Clay and Marshall, heretofore described.<sup>38</sup> The style set by the Legislature seems to have been followed very considerably. In referring to the crowd that celebrated the Fourth of July in Lexington in 1809, the editor of the *Reporter* remarked that "It gave us pleasure on this occasion to observe a considerable number of our citizens clad in domestic manufactures."<sup>39</sup>

The growing difficulties between the United States and Great Britain bore a direct relationship to the industrial situation in Kentucky as, indeed, elsewhere in the nation, due to the measures undertaken by the Federal Government. On December 21, 1807, Congress passed the embargo act, cutting off commercial intercourse with all foreign countries. At first approval was manifested generally, but within a short while the people were made to see and feel its effects more clearly, and a bitter opposition began to grow up against the policy. The farmers and especially the shipping interests of the New England States voiced a strenuous opposition. Not so, however, with the Kentuckians. They clearly saw the protection they were receiving for their manufactories

<sup>35</sup> Dated February 15th. The original letter is in the *Clay MSS.* in the possession of Miss Lucretia Clay of Lexington. Hart was a member of the Transylvania Company.

<sup>36</sup> *American State Papers, Finance*, II, 790-794.

<sup>37</sup> Collins, *History of Kentucky*, II, 176.

<sup>38</sup> *Reporter*, January 19, 26, 1809.

<sup>39</sup> July 8, 1808.

from foreign importations. From the first they were enthusiastic for the Jeffersonian policy. Aided by their strong patriotism, they expressed through the Legislature the decision "That whether war, a total non-intercourse, or a more rigid execution of the embargo system, be determined on, the General Assembly, however they may regret the privations consequent on the occasion, will cordially approve and cooperate in enforcing the measure; for they are sensible, that in the present crisis of the nation, the alternatives are, a surrender of liberty and independence, or a *bold and manly* resistance." The Legislature also declared that the embargo "was a measure highly judicious, and the only honorable expedient to avoid war."<sup>40</sup>

So bitter became the opposition to the embargo in New England and other parts of the country and so widespread and persistent were the evasions, that Congress repealed the act and substituted for it a non-intercourse law in 1809, which allowed trade with every nation except England and France. This new move was received with dismay in many parts of Kentucky. To the young manufactories just springing up, it meant destruction; the protection they had been receiving, and which had given them such vitality, was largely gone. A movement now sprang into new life to secure protection by a tariff, and thus have the Government definitely build up manufactories by law as a definite policy, rather than as an incident in dealing with foreign affairs. In fact, much earlier Kentuckians had been clamoring for a protective tariff. In 1802, numerous petitions were circulating for this purpose.<sup>41</sup> But with the repeal of the embargo, a concerted movement grew up. Artisans and workmen throughout the state were requested to sign petitions to Congress and the Legislature voted to forward the efforts.<sup>42</sup> The various manufactories of hemp had grown with great rapidity, and their interests had come to occupy an important position in the economic life of the people. It was definitely for their benefit that petitions began to go up to Congress.

The case for protection as seen by Kentuckians was clearly set forth in a petition to the House of Representatives of the United States on June 7, 1809. In order to understand the argument developed, it is given in full:

*"To the Honorable, the Congress of the United States, the petition of the subscribers, manufacturers of hemp into linen, and inhabitants of the State of Kentucky, respectfully sheweth:*

"The subscribers having, since the passage of the acts commonly called the 'embargo' and 'non-importation acts,' engaged in the manufacture of hemp into linen, and many of them having expended great part of their respective capitals in preparing machinery and erecting buildings to carry on the same, beg leave, upon the approach of a new state of affairs, to call their situation to the attention of your honorable body. Whilst they rejoice, in common, with their fellow citizens, that the returning sense of justice of one of the great belligerent powers of Europe, as displayed in some recent communication to our Government, affords a hope that our country may escape the calamities of war, they must be permitted to state that this cause of national rejoicing will, in all human probability, be greatly oppressive to them. Their establishments have grown out of our differences with foreign nations. The 'non-importation act,' which passed, as your petitioners always understand, as much to change the direction of some of the national capital from

<sup>40</sup> Marshall, *History of Kentucky*, 459, 460.

<sup>41</sup> Breckinridge MSS. (1802).

<sup>42</sup> McMaster, *History of the People of the United States*, III, 507. See also T. G. Gronert, "Trade in the Blue-Grass Region, 1810-1820" in *Mississippi Valley Historical Review*, Vol. No. 3, 313-323.



commercial to manufacturing pursuits, as with a view to bring a great foreign Power to a sense of justice, by prohibiting the introduction of coarse linens, etc., into the United States, gave being to their manufactories; and with the further patronage of your honorable body, will, beyond all doubt, rapidly increase in the Western Country. Already there is manufactured, in Kentucky, a quantity of baling linen sufficient for the consumption of the greater part of the cotton country; other manufactories are erecting, and several citizens are extending, their views to finer linens and sail cloth. Such, however, is the superiority of European capital and arts; such the cheapness of labor in Great Britain and Ireland; such the aid given there to manufactures by bounties from the Government; such the obstacles which an American manufacturer has to combat and overcome; and such the lessons furnished by experience; that your petitioners forebode the annihilation of their respective establishments, unless some aid is afforded them, at this moment, by the interposition of Congress.

"That this protection of your honorable body will be given to them at the present moment, they are the more persuaded, when they review the proceedings of every Congress which has sat, since the formation of the Federal Constitution. Every law which has been enacted; every declaration which has come to the People, from that quarter; has shown it to be the wish of Congress to make the United States independent of the world, as to articles of the first necessity, as she is in her political rights as a nation. And for this purpose Congress have laid duties upon all raw or manufactured articles, to an extent sufficient to prohibit their importation, whenever it was ascertained that the country could produce a sufficiency for home consumption. And, in some instances, protecting duties have been laid with such efficacy, as not only to produce internal manufactures, sufficient for the supply of the demand at home, but to become, also, articles of considerable amount in the scale of our exports.

"Not merely, however, have Congress in laying prohibitory or protecting duties evinced a disposition to encourage this species of domestic industry, but that body has also granted *bounties* to encourage the industry of an isolated part of the Union—a species of industry, too, in which but a small portion of the citizens could participate—the fisheries. Far be it from the subscribers to repine at a policy of this kind, because it could not have an operation upon them, or affect the great mass of the People. They have no such views: for they well know that the United States compose an extensive nation; that her citizens are scattered over an immense extent of country, having various soils and climates, with pursuits as adapted or varied to their different local situations. And a government, forming laws for this scattered population, must necessarily consult the wants and necessities of every part of it, to promote the general good of the whole. A reference to the report of Mr. Secretary Jefferson will evince, that enlarged and liberal views of this kind induced Congress to grant bounties to the fisheries. But views of another nature seem also to have influenced that body. The encouragements given to their own fishermen by foreign nations, and the restrictions laid upon our oils and fish, in foreign ports, had threatened the fisheries with destruction; and the question came before Congress whether that business should be abandoned entirely or supported by the nation at large. The same question the subscribers consider as occurring in the present instance. Independent of the superiority which the British manufacturer possesses, in the low price of labor, the experience and skill of his workmen, and the strength of his capital, he enjoys advantages that are not known to an American manufacturer, in the bounties given by the Government to those who grow the raw material, and to those who export the manufactured

article. Whether an American manufacturer can resist a combination of advantages so unfavorable to his interests, without aid from Government, appears to the petitioners as problematical indeed.

"Your petitioners deem it material to represent that the non-importation act, by creating a demand for the articles which that act prohibited, has changed the direction of much capital and caused the erection of buildings, which must now become waste, without the interposition of Congress. That if it be important to encourage manufactures, and if they promote national wealth by encouraging internal industry; if they keep money at home by preventing it from going abroad for foreign productions; if they give life to the industry of the farmer, the planter, and the mechanic; there can be no question upon the subject. *This is the time to encourage them effectually.* If those which are erected be suffered to go to waste; if those recently established die with the law which gave them being; an age will pass away before other citizens will embark in the same business. Ill success, upon the part of one manufacturer, will prevent others from engaging in the same pursuit; success that crowns every measure with popularity produces herds of imitators and followers.

"Nor can it be an unimportant consideration with Congress, that the encouragement of domestic manufactures will have a tendency to transplant the acts and capital of Europe to this country, by holding out inducements to artists and manufacturers to remove here.

"The subscribers cannot quit the subject without some remarks upon the peculiar situation of the country in which they live. Kentucky is rich in soil, but at a distance from the seas. She is capable of producing hemp for the whole supply of the United States—an article perhaps as much wanted as any other, both by the Government and by private citizens engaged in every pursuit in life; which, to an enormous amount, is annually imported from the northern parts of Europe, and which cannot be easily produced in case of war. If the manufacturers of Kentucky were sufficiently encouraged they would induce the farmers to cultivate it, so as to furnish a never-failing resource, whether in peace or war. The proximity of Kentucky to Ohio and Indiana subjects her to continual drains of treasure for United States lands. Large sums are annually taken off for foreign productions, and merchants in the Atlantic States, who are the real collectors of the revenue, pay for Kentucky her quota to the treasury. Protected as she is by the Union, with this arrangement she is satisfied. But when the fishermen of the East are not only encouraged by protecting duties, but also by bounties; when, comparatively speaking, no public moneys are expended here, but all at Washington, and on the seaboard, in salaries, buildings, fortifications, upon the army and on the navy for the protection of commerce, in which, from her local and insular situation, she cannot participate; she would be better pleased if she was indemnified for these disadvantages by some encouragement of her industry; and that, perhaps, can best be done, with public benefit, by protecting duties to the manufacture of what promises to be her staple article."

This petition was signed by "*John Allen and others.*"<sup>48</sup>

The movement for protection was persistent; it could not be killed by the delays of Congress. On January 22, 1811, 113 citizens of Lexington and of Fayette County signed a memorial to the United States Senate, begging that the manufacturing interests be given protection. They charged that "In all the acts and deliberations of your honorable body, it appears to your memorialists that a predilection for the interest of commerce has always been discoverable, whilst little has been

<sup>48</sup> *American State Papers*, XIII, Finance, II, 367, 368; see *Kentucky Gazette*, December 25, 1810. *Annals of Congress*, 1809, 1810, 2170-2173.

done in favor of the internal industry of the country. Your revenue system, it must be confessed, has afforded it some partial protection; but that system appears to have been calculated only for the purpose of revenue; and, as powerfully as it might be made to encourage domestic manufactures, no act seems to have been adopted with that view; on the contrary commerce has met with your exclusive protection and support." In proof of this they referred to the coast fortifications, the expenditures on the navy, duties on foreign tonnage, and bounties given to fishermen. They were quick to say that they agreed with this policy, and "We complain only because the protection and encouragement of industry is not made universal, and extended to every pursuit which is known in our country. If it be just in a Republic, established for the common good, to give to any one pursuit bounties, encouragement, and protection, we hold it as an undeniable truth that all other pursuits are equally entitled to them."

They noted the unstable conditions on which the commercial prosperity of the country was built. Warring nations in Europe were solely responsible; but "Upon the continuance of this state of thing, we are not to depend. An eternal war in Europe is not to be expected—the state is unnatural; and experience shows that one party must give way when its resources are exhausted, or it is humbled by the victories of its enemy. When this period arrives, what has hitherto been the life of our industry will no longer animate it, and we shall be compelled to look to other resources to preserve the wealth which we have acquired. But how can it be preserved if we do not change our system, and Congress does not give another direction to the industry of the country? Where shall we find a market for the productions of our soil? And where will our shifting find employment?"

The whole situation pointed, it was declared, to the necessity of Congress "directing the industry of our citizens into such channels as will not be affected by the edicts, regulations, and wars of Europe; and to prepare in time for the change in business which must take place (and to the general distress of the country), when a peace there will put an end to our carrying trade, and destroy the markets of our produce."

If our capital were turned to manufacturing our foreign relations would be in a much better state, and we could let the European nations destroy themselves in their mad conflict without greatly being affected ourselves. Of course, patriotism should prompt us to suffer for our country; but there is a limit to all things: "the sailor cannot feed himself in part; the farmer dislikes to lose his crops; the merchant looks with impatience upon blasted prospects and ruined fortunes; and few will be content to live on patriotism, whilst their families are starving. Had our acting capital given life to domestic pursuits; had it given employment to labor; had our provisions been consumed, and our raw materials been fabricated by domestic artisans, instead of the farmer being compelled to look abroad in search of a market for both, we should not have felt so much the pressure of the embargo, nor would our interest have warred with our patriotism. This is the course of human events, and history proves that the rulers of nations have always been obliged to accommodate their differences with others, upon better or worse conditions, according as the contest bore heavy or not upon their own people. Were the citizens of the United States, however, in the situation alluded to, how different would be the attitude which our Government could assume. And how much less would foreign powers calculate upon exciting a clamor against it by the interruption of our commerce, or the general stagnation of our business."

The great value of manufactories as a national asset and stabilizer

was also argued. The manufacturer works up raw products and at the same time creates a demand for the country's products. Let the nation's pursuit "be exclusively agriculture; and the depression of markets (which has often been the case, with respect to our provisions, tobacco and cotton) will paralyze the industry and enterprise of the nation, whereas the multiplication and diversity of pursuits would give a country resources which others could not deprive her of; and the industry of one part of it would cherish, invigorate and support that of another. Nor can it be an unimportant consideration that the increase of manufactures would tend to keep at home the precious metals, the principal and the most convenient as well as the most useful representative of wealth and labor."

The American manufacturer had many handicaps that Congress could remove by granting protection. He "is at present poor; he has buildings to erect, workmen to teach, and powerful prejudices to overcome: his limited capital often makes it necessary for him to force markets, whilst his opponent can wait for, or command one at pleasure." And, indeed, European nations had not hesitated to use numerous unfair methods to drive our rivals.

When we ask for adequate protection from Congress to our own manufactures, we are aware of jealousies which will be excited against us. Why, it will be asked, tax one portion of the people to benefit another? We answer, for the benefit of the whole, and to equalize the imposts which are laid to support Government. Imposts, levied with this view, are but taking from one pocket what is abundantly repaid to the other. Whatever gives life to the domestic industry of the country benefits every man in it. Whatever sums are paid to keep our resources at home is not lost. As in the human frame, it is like the veins running blood to the heart whereby the whole system may be replenished. Such are the lessons furnished by experience.<sup>44</sup>

<sup>44</sup> *American State Papers*, VIII, *Finance*, II.

## CHAPTER XLII

### BANKS AND BANKING AROUND 1800

Throughout the war with Great Britain, Kentucky was a stalwart supporter of the Federal Government in keeping shut all trade with foreign nations; and when toward the end of hostilities the fetters binding trade were somewhat unloosened, Kentuckians strongly opposed the move.<sup>1</sup>

With the industrial expansion of the state, there necessarily went the demand for currency and banking facilities. The chronic lack of a circulating medium has heretofore been noted, and the makeshifts that were used mentioned. Barter continued on up into the nineteenth century. A Lexington business house in advertising the arrival of its fall stock, announced that it would place it for sale "on the lowest terms for *Cash or Country Produce*—such as Whiskey, Country Sugar, Linen, Bacon, Corn, Feathers, Rye, etc."<sup>2</sup> Land warrants were still used for money in many instances.<sup>3</sup> The wide variety of coins, previously mentioned, continued to circulate. There was yet so little evidence of the American system of coinage and monetary notation that English designations were used well up into the nineteenth century. The salaries of state officials were popularly listed in pounds, shilling, and pence. In 1802 six shillings were taken as equivalent to one dollar. For small change the larger coins were cut into pieces of varying sizes.<sup>4</sup> But the smallest coins in circulation in the East found no place in Kentucky where prices were habitually high for those things in the purchase of which money would be used. A traveler through this part of the West stated that "The copper coinage of the United States is of no use in Kentucky—the smallest circulating coin being a silver sixteenth of a dollar."<sup>5</sup> There were a few notes of the First Bank of the United States circulating in Kentucky, but they were difficult to get and were generally in very large denominations. In 1802 Samuel McDowell requested John Breckinridge, then a Senator in Washington, to pay the publishers of the *Washington Federalist* a bill of \$5.00, as he could not find a bank note so small in Kentucky to forward.<sup>6</sup>

Apart from the very circumstances that produced a scarcity of United States bank notes in the state, Kentuckians generally had an aversion to bank notes and banks. They had seen the depreciated paper currency of Virginia become even more worthless while they were yet a district of that state. And their knowledge of banks issuing paper currency was not reassuring. Thus, for a decade after the state had entered the union and become master of her own destinies, not a bank existed in her limits.

But in 1802, there was chartered what was called innocently enough the Kentucky Insurance Company. This was a Lexington institution

<sup>1</sup> *Kentucky Gazette*, May 2, 1814.

<sup>2</sup> *Ibid*, May 9, 1808. Such advertisements continued for years.

<sup>3</sup> *Breckinridge MSS.* (1794).

<sup>4</sup> F. A. Michaux, *Travels in the West*, 204.

<sup>5</sup> F. Cumming, "Sketches of a Tour to the Western Country through the States of Ohio and Kentucky," in Thwaites, *Early Western Travels*, IV, 188.

<sup>6</sup> *Breckinridge MSS.* (1802). Dated December 15.

capitalized at \$100,000, and organized ostensibly for the purpose of insuring boats on the inland rivers. The lengthy act of incorporation dealt in great detail with the powers of the company and the methods to be pursued in assessing and paying the insurance on boats meeting with disaster. But in an inconspicuous proviso nestling in a most unsuspecting place, banking privileges were given to this so-called insurance company. In the section detailing the penalties that might be inflicted on the company for infractions of its charter appeared the rather irrelevant statement that "every bond, bill obligatory, or note in writing \* \* \* shall be assignable by endorsement thereon, in like manner, and with the like effect of foreign bills of exchange now are; and such of the notes as are payable to bearer, shall be negotiable and assignable by delivery only." The last clause gave the company the right to issue paper money. The charter was to run until 1818, and in the meanwhile no other insurance company was to be chartered by the Legislature to do business in the state.<sup>7</sup>

The Kentucky lawmakers had been completely hoodwinked and imposed upon as to the real purpose of the act. One of the main purposes of the company was to secure banking privileges with the power of issuing notes, and this they had succeeded in doing in this law. It is true that they did engage in the business of insuring river vessels; but their banking business soon came to overshadow all else in the eyes of the public. When the people saw what had been done, a most bitter opposition sprang up against the corporation, and the hostility continued for years. An early historian of the state declared that banking "was at first smuggled into Kentucky, and by a fraud upon her legislative understanding, it was foisted into the Commonwealth." And as for the company that perpetrated the deed, it "began in fraud and ended in bankruptcy."<sup>8</sup>

The company was under fire for a great part of the 1804 session of the Legislature. The lawmakers were now seeking to take vengeance on the group of designing men who had played so successfully upon their gullibility. Debate ranged back and forth on this subject to the almost exclusion of other matters. Some members of the Legislature were in favor of repealing the act of incorporation and forcing the trick company out of existence; while others would stop with certain amendments to the act. It was apparent to all that a very dangerous and extensive power had been unwittingly given this company. It not only had the state's sanction to issue circulating notes, but it had the right to issue them in unlimited quantities and with no assurances of their ultimate redemption. There can be little wonder at the impatience of the Legislature when it discovered that it had been tricked into giving such powers to a group of people. But the company had its supporters among the lawmakers.<sup>9</sup> The most prominent of these was Henry Clay. They argued with reasons that were later upheld in the decision of John Marshall in the famous Dartmouth College case, that to change the charter would be unconstitutional. However, their reasoning did not prevail before the Kentucky Legislature. That body on December 19, 1804, passed an amending law to the original act. In the first place, it took away from the Kentucky Insurance Company the monopoly that had been granted it in the insurance business. The law next struck at the right of unlimited issuing of circulating notes by declaring "That the notes which the said company shall at any time issue, shall not exceed the debts due to them, the money in their vaults, the property, real, personal or mixt, they may own their own capital stock."<sup>10</sup>

<sup>7</sup> Wm. Littell, *Statute Law of Kentucky*, II, 25-31.

<sup>8</sup> Butler, *History of Kentucky*, 299, 300.

<sup>9</sup> *Kentucky Gazette*, December 18, 1804.

<sup>10</sup> This was not to apply to risks already undertaken.

But the penalty set for disobedience was not particularly compelling in its effect. It stated that if more notes were issued than was provided for by law "and any of such notes shall not be paid by the said company," then, not for issuing more notes than the law allowed but for failure to redeem them, "the said president and directors shall be liable therefore out of their private individual fortunes."<sup>11</sup> These amendments to the charter were assailed by the company as being unconstitutional, and they threatened to test their constitutionality. This enlivened the discussion still more, and made the company still more unpopular generally. In 1805 the Legislature replied to the threats of the corporation by passing an amending act to the charter taking away completely the privileges of the company to issue circulating notes. From the standpoint of interfering with the obligations of a contract set up in a charter<sup>12</sup> the Legislature had been guilty of no greater sin in this last amending act than in the former; but Governor Garrard saw fit to veto the bill. The Senate failed to re-pass it, and so it did not become a law.<sup>13</sup>

The Kentucky Insurance Company labored for years under public criticism and hostility. It was charged that it extended credit to Burr when he was collecting his expedition in the West; and it was also claimed that the institution was guilty of favoritism in granting loans. Other rumors circulated against it were that its capital stock was largely owned by British subjects, that it charged usurious rates for money, and that it had greatly increased the insurance rates. But through the use of sound business principles, it weathered successfully all the public clamor and popular criticisms, and steadily grew into a strong financial institution. Its notes circulated above par at home as well as outside the limits of the state. They stood at 102 in New Orleans, and they were among the few that were accepted by the Kentucky State Treasury, when the country came to be flooded with "wild-cat bank notes."<sup>14</sup> When the charter ran out in 1818, it was extended for an additional two years.

The first bank established in the state under the title and designedly for the purpose of engaging solely in banking was the Bank of Kentucky. Unquestionably there was a great need for proper banking facilities, afforded by an institution which had not forfeited public favor and confidence in its inception. The state's industrial development had reached a point where it imperatively demanded the aid of all that banks had to offer. The undeniable prosperity of the Kentucky Insurance Company, laboring under adverse circumstances, showed the desirability and success of a strong bank. So in answer to this demand, the Legislature on December 27, 1806, incorporated the Bank of Kentucky. Its organization was undoubtedly inspired in part by the First Bank of the United States, which began business in 1791. Its capitalization was \$1,000,000, consisting of 10,000 shares at \$100 each. It was not to be a purely private undertaking; but rather like the First Bank of the United States it was to be to a great extent under the management of the Government. The state was to subscribe for one half of the shares, and should elect one half of the twelve directors and the president. To prevent the concentration of power in hands outside of the State Government, no individual or corporation was allowed to control more than thirty votes, or thereby to subscribe for over \$3,000 of the capital stock. The privileges of buying stock in the bank were allotted to the principal

<sup>11</sup> Littell, *Statute Law of Kentucky*, II, 213.

<sup>12</sup> This doctrine was not set up as binding on a state until John Marshall established it in the Dartmouth College case.

<sup>13</sup> *Kentucky Gazette*, December 18, 1804.

<sup>14</sup> E. C. Griffith, "Early Banking in Kentucky" in *Proceedings of the Mississippi Valley Historical Association*, 1908, 1909, II, 169-175.

towns of the state and subscription books were opened in the following places: Frankfort, Lexington, Paris, Washington, Richmond, Danville, Bardstown, Louisville, Shelbyville, Hartford, and Russellville. The parent bank was established in Frankfort, with the privilege of having branches extended to other towns. The business of the bank was specifically set forth as follows: "The corporation shall not directly or indirectly deal or trade in any thing except discount bills of exchange, current money, or in the sale of goods or produce really and truly pledged for money lent and not redeemed in time; neither shall the said corporation take more than at the rate of six per centum per annum for or on account of its loans or discounts."

Loans could be made to no government whatsoever, nor to any individual who was not a citizen of Kentucky. One of the important functions of the bank was to issue notes which circulated "by delivery only." The amount that might be issued was limited to three times the capital stock and the deposits in the vaults. If this legal limit were exceeded, all directors who agreed to the excess issue should stand liable individually for the redemption of it.<sup>15</sup> In a short time the notes of the Bank of Kentucky made up a considerable part of the circulating medium; and the bank itself became a strong financial institution. In 1808 a law was passed which made the bank a semi-official part of the state financial system. Whenever the state treasury should be without ready funds, the auditor might give warrants on the bank in payment of state debts. These warrants were to be cashed in specie by the bank and charged to the state's account. They bore the regular rate of interest. It was made the duty of the state auditor to visit the bank each week, when he had money in the treasury, to take up the obligations of the state paid by the bank.<sup>16</sup> This institution, so closely allied to the State Government, was generally in a thriving condition. In the stress of war in 1814, it suspended specie payment, but this was due more to the situation set up by other banks, especially those in Ohio, suspending, than to any weakness in itself. The charter as originally given expired in 1819; but it was later renewed to 1841.<sup>17</sup>

Banking soon became very profitable, so much so that it attracted the attention of many who wanted to make money quickly. But their desires for engaging in banking were not satisfied by permission from the state to do so. This privilege was strictly guarded by the Government, and none could enter the business except by special enactment of the Legislature. However, this did not prevent associations from springing up, which without bearing the name of bank, nevertheless engaged in general banking business.

Vividly recalling its experience with the Kentucky Insurance Company, and resolving this time not to become lost in the involved language of long drawn out laws, the Legislature in 1805 in chartering the Ohio Canal Company specifically declared "That the said company shall not be permitted to issue bills of credit payable to any person or bearer, nor shall they be permitted to exercise the privilege of banking in any respect whatever."<sup>18</sup> But this evil became so pronounced that the Legislature passed a general law in 1812 prohibiting private banking, giving as a reason that "the advantages arising to the good people of this commonwealth, by the establishment of a state bank, may be defeated; and the revenue of this state greatly impaired by the establishment of private associations for the purpose of banking if the same be tolerated by law." According to the law, every company or association which

<sup>15</sup> Littell, *Statute Law of Kentucky*, III, 390-399.

<sup>16</sup> Littell, *Statute Law of Kentucky*, III, 528.

<sup>17</sup> Griffith, "Early Banking in Kentucky," 175-181.

<sup>18</sup> *American State Papers, Miscellaneous*, I, 823.



shall lend money and shall issue "bonds, notes or bills, payable to bearer, or payable to order, and endorsed in blank; or use other shift or device, whereby the bonds, notes, or bills given by such company or association, or on their behalf, pass or circulate by delivery, shall be taken and deemed a bank within this act." Any person convicted of disobedience to this law was subject to a fine of \$10,000.<sup>19</sup>

The finances of the state were generally in a sound condition. The Government was far from extravagant in its expenditures. One of the early objections to separation from Virginia was that taxes would be greatly increased to satisfy a state government filled with hungry politicians. This fear seems to have haunted the early law-makers, as has already been noted in the case of law salaries for state officials. That frugality in state expenditures tended to develop a high sense of financial responsibilities, which made of Kentucky one of the soundest states financially in the Union. As will be noted later, when wars and panics were laying other states prostrate, Kentucky was able to a great extent to weather the storm. Beset by the heavy expenditures of the War of 1812, the treasury on November 10, 1814, nevertheless had a balance of \$51,529.82.<sup>20</sup>

<sup>19</sup> *Acts of Kentucky, 1811*, 206-210; Griffith, "Early Banking in Kentucky," 178; Marshall, *History of Kentucky*, II, 475.

<sup>20</sup> *Niles' Register*, V, 337.

## CHAPTER XLIII

### EARLY BOUNDARY DISPUTES

Kentucky early had boundary disputes with her neighbors. Such disputes, which have been the heritage of most states, have originated either in the notoriously inaccurate surveying that characterizes the early days of the country, or in the inexact delimitations of rivers either in the language used in the subsequent meanderings of the stream itself. Kentucky's early disputes were with Virginia and with Tennessee, and arose for the most part out of inaccuracies of early surveys; the later disputes as to boundaries arose over the ownership of islands in the Mississippi and Ohio rivers with the states bordering her on those streams. By the Virginia Compact, which gave the District of Kentucky her separation from the mother state, the boundaries of the former were declared to be the same for the state as for the district. The only direct problem that arose between Kentucky and Virginia as to the exact boundary were the eastern limits of Kentucky. The boundary had never been accurately surveyed, but the District of Kentucky was considered to lie west of the crest of the Cumberland Mountains and the Big Sandy River. Due to the early settlement of this region, the exact boundary had to be determined as soon as Kentucky became a state. It was not known which ridges constituted the crest of the Cumberlands, and also which branch of the Big Sandy River was intended. In 1795, the Kentucky Legislature passed an act authorizing the governor to open a correspondence with the Virginia governor for the purpose of bringing about a settlement of the boundary question. He was given permission to appoint commissioners to represent Kentucky in a survey with commissioners appointed by Virginia, if the Virginia Government should agree to such a mode of settlement.<sup>1</sup> Virginia readily entered into the arrangement suggested, and three commissioners each were appointed on the part of the two states. They set to work immediately; but soon difficulties arose as to the interpretation of certain laws and instructions. Governor Shelby in his message to the Legislature in November, 1796, referred to the difficulty, thus: "In relation to the adjustment of the boundary between Virginia and this state, the executive will want the aid of the Legislature. Commissioners have been appointed by each state, yet the business, I am sorry to say, has not terminated so happily as anticipated; owing to a disagreement between them in construing the law upon which they were to proceed."<sup>2</sup> Finally in October, 1799, a convention was held at the forks of the Big Sandy River, at which an amicable settlement of the boundary was arranged. The difficulty of certain lands being held from the state that had been ultimately deprived of them by the final boundary was solved by the agreement "that all entries made in the surveyors' offices of either state should be as valid as if made within the state owning the lands."<sup>3</sup> But long after the boundary had ceased to be a question, there appeared

<sup>1</sup> *Annual Report of the American Historical Association*, 1893; 471; Marshall, *History of Kentucky*, II, 176.

<sup>2</sup> Marshall, *History of Kentucky*, II, 191.

<sup>3</sup> *Ibid*, 177.

a faint reflection of the earlier uncertainties. In 1849, the citizens of a part of Pike County petitioned the State Legislature to allow them to join Virginia. They urged as a point that Virginia was willing to receive them.<sup>4</sup>

The most troublesome boundary dispute in Kentucky history was the Tennessee line. It was long drawn out, and threatened at times the good relations of the two states. Before the revolution the boundary between North Carolina and Virginia had been surveyed to a point on Steep Rock Creek, about sixty miles east of the Cumberland Mountains. But the constant penetration of settlers farther and farther to the west had, by the time the Revolution was well under way, made it necessary for the boundary to be run farther westward. In 1779 commissioners were appointed by the two states to continue the survey to the Mississippi River. Judge Richard Henderson, of Transylvania fame, was placed at the head of the North Carolina delegation; and Dr. Thomas Walker, who had made an early exploration into the westernmost parts of Virginia and had kept a journal of his trip, headed the Virginia commissioners.

A difficulty arose at the very outset. The latitude  $36^{\circ} 30'$  had been followed as the dividing line as far as the survey had been made, and it was understood by both parties that this line should be continued. Baron de Botetourt, when he arrived in Virginia in 1768 as governor, had announced that it would be one of his most cherished wishes to extend Virginia's southern boundary to the Tennessee River on the line of  $36^{\circ} 30'$ . This line was agreed to by all, but the difficulty arose in determining where it was, and, therefore, where the old line left off and the new survey should begin. The North Carolina commissioners claimed the line began between two and three miles north of the point selected by the Virginia commissioners. Without straightening out the tangle, each set of commissioners began its survey independent of the other and on the line of its own choice. Henderson and his surveyors, after running the line about half the distance, quit; but Walker continued with his survey to the Tennessee River; "and marked its termination on the Mississippi by observations leaving the line from Tennessee [River] to that place unsurveyed."<sup>5</sup> Thus arose the complications in the state's southern boundaries which were the source of more or less bitter controversy with Tennessee for over half a century.

The part of the line which first became a point in dispute was the eastern extremity, which bounded Virginia and the western part of North Carolina; but the latter state's cession of her western lands to the United States soon transferred the problem to the Federal Government and Virginia. The question assumed engaging importance due to the numerous settlers who had drifted in and soon set up a state of turmoil due to the dispute in the government of the territory. Governor Henry Lee of Virginia wrote Secretary of State Jefferson in 1792 that "the citizens living between the real line and the pretended line are subjected to unmerited sufferings, of which they justly complain." There were about 100 families living in the disputed area east of the Cumberlands, and according to Joseph Martin, a majority of them wished to be in Virginia while about a fourth of them wanted no decision as they would thereby escape taxation.<sup>6</sup>

On account of the fact that federal territory was involved as well as two states, it became a problem pressing for attention from the Na-

<sup>4</sup> *Niles' Register*, Vol. 75, 97.

<sup>5</sup> Mrs. Chapman Coleman, *The Life of John J. Crittenden with Selections from His Correspondence and Speeches* (Philadelphia, 1871), I, 48-50; *American State Papers*, XX, Miscellaneous, I, 56.

<sup>6</sup> *American State Papers*, XX, Miscellaneous, I, 54.

tional Government. Thomas Jefferson wrote President Washington on November 2, 1792, calling upon him to note the fact that this boundary "has never yet been authoritatively settled, and to observe that an extension of the same line will form the boundary between the same territory and the State of Kentucky. There then being three parties interested in the establishment of this line, it will rest with the wisdom of the Legislature to take such measures as they shall think best for establishing it by common consent, or otherwise for instituting judiciary proceedings for its establishment, according to the provision made in the constitution."<sup>7</sup> A week later Washington sent a special message to the House of Representatives calling attention to the fact that the boundary dispute should be settled in its entirety, as it was a question involving the states of Virginia and Kentucky on the one hand, and the Territory of the United States south of the Ohio on the other.<sup>8</sup>

Two years later the House of Representatives, without following Washington's advice or considering the future importance of settling the question of the whole boundary reported that Walker's line should be established by an act of Congress as the boundary between Virginia and the federal territory south of the Ohio.<sup>9</sup> Thus, because there was no pressing troubles in the disputed territory on westward where Kentucky was concerned, Congress put off the settlement, and left the bone of contention for Tennessee and Kentucky to quarrel over.

As this was a controversy that should be solved sooner or later, Kentucky in a short time took it up more as an academic discussion than a pressing problem. There was considerable reason for her to accept the Walker line without question as her final southern boundary, however far it might depart from the originally intended line. In 1781 and again in 1791, Virginia had declared by law that the Walker line should be her true boundary, and of course this meant the southern boundary of Kentucky, as she was at this time a part of Virginia. So it was that when Kentucky became a state, she separated from Virginia with her southern boundary presumably fixed. But she was unwilling to abide by the grossly unscientific Walker line. In 1801 the Legislature provided for the appointment of commissioners to run the line in conjunction with commissioners she hoped Tennessee would appoint, "agreeable to the chartered limits of the state of Virginia and North Carolina."<sup>10</sup> But the next year the Legislature having become better informed repealed this law because it "is defective, inasmuch as it provides that the boundary line between the said states [Kentucky and Tennessee] shall be run agreeable to the chartered limits of the states of Virginia and North Carolina; and it does not appear to us that any charter ever was granted, describing the limits of the last mentioned states respectively."<sup>11</sup>

After making this blunder, the Legislature was content to let the question rest for about a decade. But in 1811, the problem was resurrected again, when the Legislature provided for the appointment of two commissioners who with the commissioners to be appointed by Tennessee "were to run and mark the line between the two states agreeable to the charter of King Charles II, and acknowledged by the twenty-fifth section of the declaration of rights in the constitution of the state of North Carolina; and also acknowledged by the twenty-second section of the declaration of rights in the constitution of Tennessee; beginning on the top of Cumberland Mountain, at thirty-six degrees, thirty minutes north lati-

<sup>7</sup> *American State Papers*, XX, *Miscellaneous*, I, 54.

<sup>8</sup> *American State Papers*, XX, *Miscellaneous*, I, 53.

<sup>9</sup> *Ibid.*, 113.

<sup>10</sup> Littell, *Statute Law of Kentucky*, II, 434.

<sup>11</sup> *Ibid.*, III, 80.

tude, when accurately taken; and from thence to run west a right line, in thirty-six degrees, thirty minutes north latitude, so far as not to run into the lands claimed by the Indians [lands west of the Tennessee River.]"<sup>12</sup>

But now followed that course of cross-purposes and bickerings between the two states, which seemed forever to preclude a settlement. Scarcely had Kentucky provided for her commissioners before the Legislature of Tennessee receded from its recently expressed intentions of meeting the Kentucky surveyors "to ascertain by correct and scientific observation, the true line of separation between the respective states." In 1813, Kentucky answered the move of Tennessee by declaring that she still adhered to that state's first announced intentions and that if Tennessee refuses to act on them, she would appeal to the United States Government to settle the trouble.<sup>13</sup> Tennessee not having complied with Kentucky's wishes, the latter a year later summed up the whole situation in a set of resolutions passed by the Legislature. In these, it was set forth that Kentucky had labored faithfully to remove the difficulty, but that Tennessee had held back. The views of the state were reiterated and the last proposition to Tennessee for a settlement restated. But now due to the recalcitrancy of Tennessee, the only remedy left was to throw the whole matter into the hands of the United States Supreme Court. But before this could be done, Congress must act in passing a law "for the purpose of regulating the exercise of this jurisdiction, and prescribing the mode of proceeding in cases of controversy between different states."<sup>14</sup> However, Congress apparently paid no attention to the boundary controversy; but left it to linger as a problem for the states.<sup>15</sup>

The patience of the state was becoming sorely tried. In 1818 the Legislature began to clear the deck by repealing all of her former laws concerning modes of settlement and declared the question was settled with the boundary line running on the 36° 30' parallel of latitude.<sup>16</sup> This action was precipitated not only by the weariness of the long-drawn discussion, but also by the expectation of securing the lands west of the Tennessee which belonged to the Indians. With the acquiring of this new land, and with the consequent inrush of settlers, the running of the southern boundary would become immediately necessary. But it was evident to all reasoning men that such a legislative flourish could not settle the difficulty definitely; and the Legislature, itself, did not consider it a final settlement. In 1818, the date of the purchase of the Indian lands west of the Tennessee, Kentucky sent a long memorial to Congress reciting the history of her efforts toward a settlement from the beginning and the refusals of Tennessee to come to an agreement. The important point was that no settlement had been made, and that judging from past efforts no settlement was ever likely if left to the two states.

<sup>12</sup> Marshall, *History of Kentucky*, II, 474.

<sup>13</sup> *Acts of Kentucky*, 1812, 93, 94.

<sup>14</sup> *Acts of Kentucky*, 1813, 226, 227. The law which was very curt and explicit follows: "Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws heretofore passed by the General Assembly of this commonwealth relative to the boundary line between this state and the State of Tennessee, shall be, and the same are hereby repealed.

"Be it further enacted, That the southern boundary line of this state shall be and remain on a line running west from the top of Cumberland mountain to the Mississippi River, in thirty-six degrees and thirty minutes north latitude, anything in any former law passed by this state to the contrary notwithstanding." *Acts of Kentucky*, 1817, 437, 438.

<sup>15</sup> See *Kentucky Gazette*, October 30, 1815.

<sup>16</sup> J. F. Gordon, "History of Jackson's Purchase" in *Proceedings of Kentucky State Bar Association*, 1916, 159.

The memorial then stated that the people confident of the justness of their claims wished the trouble to be settled by the United States Supreme Court and for this purpose the Legislature requested again that Congress pass a law giving that court jurisdiction.<sup>19</sup>

Congress once more failed to act; and the Kentucky Legislature again announced its decision to make an *exparte* settlement of the question unless Tennessee speedily elected to negotiate. By an act of February 8, 1819, the governor was authorized to appoint two commissioners to run the line between the Tennessee and Mississippi rivers on the parallel of  $36^{\circ} 30'$  latitude. He should notify the Tennessee governor of his action and request him to appoint a like number of commissioners to assist. But he should make it plain that if Tennessee should again refuse to act, the Kentucky commissioners would nevertheless make a survey of the boundary which should be submitted to the Legislature for its approval.<sup>20</sup> The boundary surveyed by the commissioners commonly bore the designation of Alexander and Munsell's line, and was, of course, on the parallel of  $36^{\circ} 30'$ .

This decided action soon moved Tennessee to institute new efforts for an understanding. In November of 1819, its Legislature passed an act providing for the appointment of two commissioners to at once take up the question of a settlement either with the Kentucky Legislature, itself, or with any representatives it might appoint and if failure resulted in these two means, to use any methods available. This seemed to Kentucky to indicate an honest and genuine desire to bring about an amicable adjustment; and so she on January 1, 1820, appointed two commissioners to treat with the Tennessee agents.<sup>21</sup>

Two very able and prominent Kentuckians were appointed on this commission. These were John J. Crittenden and John Rowan, Tennessee appointing on her part Felix Grundy, who had played a conspicuous part in Kentucky affairs earlier but was now a resident of Tennessee, and William L. Brown. Both states had shown by the appointment of men of such ability, the importance they attached to a settlement and a sincere desire to bring it about. Crittenden in his report to the Legislature observed, "Your commissioners proceeded to the task assigned them with a deep sense of their responsibility, and of the high importance of a subject involving directly the interest and harmony of two states, forming part of one common country united by local situation and political ties, and almost identified by sympathy of feeling, congeniality of character, and the still more endearing ties of consanguinity."<sup>22</sup> The commissioners set to work on the tangled problem immediately. The Kentuckians offered two lines, either one of which they agreed to accept. The first proposition was this: The Walker line to be considered the boundary as far westward as the Tennessee River, but from this point on the line was to run southward up the river to such a parallel as would include in this region between the Tennessee and the Mississippi enough territory to make up for the amount lost east of the Tennessee by the Walker line running so far north of the  $36^{\circ} 30'$  parallel. The other solution was to use the Alexander and Munsell line ( $36^{\circ} 30'$ ) from the Mississippi River to the Tennessee, thence down the Tennessee to the Walker line and eastward along this boundary to a point nearest the mouth of Obey's River (an eastern tributary of the Cumberland), thence north or south as the case might be to the  $36^{\circ} 30'$  parallel and then eastward on this line to the begin-

<sup>19</sup> *American State Papers, Miscellaneous*, II, 490-495; *Acts of Kentucky, 1817*, 576-579.

<sup>20</sup> *Acts of Kentucky, 1818*, 719-721.

<sup>21</sup> *Acts of Kentucky, 1819*, 820, 821.

<sup>22</sup> Coleman, *Life of Crittenden*, I, 51.

ning. It will be noted that both propositions had as their direct purpose the equalization of the territory in dispute as far as possible and at the same time the retention of the old Walker line as far as was compatible with this. The Tennessee commissioners flatly and definitely rejected both of these solutions, and offered as their ultimatum the Alexander and Munsell line from the Mississippi to the Tennessee, then the Tennessee northward to the Walker line, and that boundary on eastward. This was no concession at all to Kentucky, as the  $36^{\circ} 30'$  line had been the original desideratum of all parties concerned, when Walker first surveyed the boundary.

On the Tennessee offer, the Kentucky commissioners split. John Rowan at once rejected this solution as absolutely unacceptable. Crittenden was inclined to accept it, with a few provisions regarding land titles in the disputed area. But as this was not agreed to by Rowan, it could not be offered as Kentucky's position. As a last resort, however, Rowan and Crittenden agreed to offer Tennessee this method of settlement: That the whole question be left to arbitration by "such distinguished men as might be mutually agreed upon," none of whom were to be residents of Kentucky, Tennessee, Virginia, or North Carolina or from any other states cut from the territory of the latter two. Although the instructions of the Tennessee delegates gave them discretionary power to accept such a solution, they saw fit to reject this offer.

In differing with his colleague, Rowan, on the Tennessee offer, Crittenden took a broader view of the situation. He called attention to the fact that on two separate occasions, before Kentucky had become a state, Virginia declared the Walker line to be the true boundary; and that, therefore, in a sense, Kentucky had no case. He also stated that the Walker line had been in fact the boundary up to the present time and that for a number of years no one was absolutely sure whether the Walker line was north or south of the parallel of  $36^{\circ} 30'$ . For this reason if for no other to change a long established boundary would be unwise; but in this case, also, a large number of people who had settled in the disputed area and had long considered themselves a part of Tennessee would be greatly upset in their relations. He observed that "Too much excitement has prevailed between them [the two states]. Some of their acts have been precipitate and inconsistent, others rash and angry,—the remembrance of which can only be useful as a means of guarding against their repetition."<sup>23</sup> He also argued the futility of a further contention by Kentucky of her old claims: "But suppose that all these considerations avail nothing; suppose that Kentucky, regardless of consequences, determine to insist upon her right to the disputed territory, and to compel its reluctant inhabitants to a state of vassalage, or what is the same thing, unwilling submission to her government,—by what course is she to effect it?"<sup>24</sup>

These negotiations appeared for a time to have brought the question no closer a solution. In his report to the Legislature Crittenden noted again the repeated refusals of Congress to pass the necessary legislation to place the case before the United States Supreme Court. After their failure to reach an agreement with the Kentucky commissioners, Grundy and Brown appealed to Congress for the same purpose, reciting the efforts that had been made to settle the trouble and the lack of success. They notified Governor Slaughter of Kentucky, of what they had done and enclosed him a copy of the petition to Congress.<sup>25</sup>

<sup>23</sup> Coleman, *Life of Crittenden*, I, 51.

<sup>24</sup> Crittenden's report to the Legislature may be found in Coleman, *Life of Crittenden*, I, 48-56.

<sup>25</sup> *Crittenden MSS.*, Vol. 2, No. 280. The Crittenden papers are in the Manuscript Division of the Library of Congress in Washington.

Crittenden's recommendations had much weight with the Kentucky Legislature. By a resolution passed January 28, 1820, it agreed almost exactly with his recommendations, which were substantially the offer Tennessee had made. As far as the boundary line itself was concerned, Kentucky accepted *in toto* the Tennessee demands. Only regarding the validation of land claims and the ownership of unappropriated lands were reservations made.<sup>26</sup>

All difficulties to a final settlement were fast vanishing. The place on the commission of John Rowan, who disagreed with this solution, was taken by Robert Trimble. The Tennessee commissioners Felix Grundy and Wm. L. Brown, were continued by their state in the negotiations. They came to Frankfort and within a very short while a treaty was concluded between the two states. It was signed by the commissioners who negotiated it on the second day of February, 1820, and on the eleventh it was ratified by the Kentucky Legislature, which declared that it "shall be regarded in all courts of justice in this commonwealth as the law of the land." The line determined upon as the final boundary was Walker's line from the beginning on the east westward to the Tennessee River, southward up that river to the Alexander and Munsell line (36° 30') and thence westward along this line to a point on the Mississippi River below New Madrid in Missouri.<sup>27</sup> The following reservations were made regarding the ownership of certain lands in the previously disputed territory: All islands in that part of the Tennessee River which formed the boundary should be under Kentucky's jurisdiction and their disposition to private persons was renewed to Kentucky except where they had been granted by North Carolina; concerning territory west of the Tennessee, all grants of land made by any authority other than that of Kentucky north of the parallel 36° 30' were declared null and void, and the same rule held *mutatis mutandis* south of that line; and all vacant lands north of the parallel 36° 30' and east of the Tennessee should be subject to the disposition of Kentucky and should be free from taxes for five years. It was also provided that when either state should want the Walker line surveyed and definitely marked, the governor should notify the other state whereupon both should appoint one surveyor each who should proceed with the work. And if a dispute should ever arise over the interpretation or execution of the treaty the governor of each state should appoint an arbitrator who should not be a citizen of either Kentucky or Tennessee, "and whose decision shall be final on all points to them submitted." In case of a deadlock between the two arbitrators they should choose an umpire whose decision should be final.<sup>28</sup>

Thus was settled in a very commendable way a question which had baffled all efforts for over a quarter of a century. And although the main question was disposed of, still there were more or less harassing details that had to be worked out and these caused minor troubles for another quarter of a century. Finally in 1857-1858 surveyors were appointed by each state to survey and mark the southern boundary

<sup>26</sup> The main reservations were these: All lands east of the Tennessee River and north of the parallel of 36° 30' unappropriated shall be subject to the exclusive disposition of Kentucky; no land claims north of the parallel 36° 30' and west of the Tennessee River granted by North Carolina or Tennessee "shall be ratified or confirmed;" and certain stipulations were exacted concerning certain military land claims and other claims in that region north of 36° 30' and east of Obey's River, *Acts of Kentucky, 1819*, 990, 991.

<sup>27</sup> This terminalogy is responsible for the small neck of Kentucky in the extreme western part of the state being separated from the rest of the state by the southern and northern meanderings of the river, as New Madrid is on the extreme northern bend of the river, and thus it was necessary to cross the river twice before a point could be reached below New Madrid.

<sup>28</sup> For the treaty see *Acts of Kentucky 1819*, 922-927.



in its entirety. Stone posts were to be erected every five miles in a pathway cleared ten feet wide and the trees were to be appropriately marked with a K or T. Topographical maps and other records were to be made in order to determine exactly and for all time the true boundary. In 1859 work began at a point on the Mississippi River and the line was carried eastward. Due to the great bend in the river on the point of which New Madrid was situated, the first five-mile post would come in the State of Missouri; and in order to obviate this trouble, this post was omitted and the first post was placed ten miles from the point of beginning, near Reelfoot Lake and marked "No. I—10 miles." In 1860 the results of this survey were accepted by both states and the question was definitely and forever settled.<sup>29</sup>

The material development of the state during the decades prior to and succeeding 1800 was robust and promising. The state was growing rapidly in population and towns were beginning to grow up as industrial centers. Roads were being built, rivers cleared, and canals proposed. New lands were being opened up especially in the Green River region, and agriculture everywhere was thriving. Boundary disputes which retarded progress in the region concerned were either settled or in the process of settlement. Manufacturers of a wide variety of articles grew with astonishing rapidity. A profound interest seized the people along this line of progress which for a time threatened to eclipse the agricultural development. An insistent demand for protection by tariffs went up, which developed an attitude of mind generally in Kentucky in favor of protective tariffs, a condition which made it easy for Clay to conceive and build up his doctrines on protective tariffs and internal improvements which he combined and called the American System. The outstanding point in the material development of this period was unquestionably the manufactories. That they later on by no means met the promise they gave at this time is also a glaring fact. The reasons for this as far as they may be ascertained will be developed later. Hand in hand with this rapid industrial development went financial progress. Although the first bank crept in disguised as an insurance company it filled a pressing need and was prosperous from the beginning. The state itself in conjunction with private interests soon entered the banking business in the guise of the Bank of Kentucky. From the standpoint of material development, then, Kentucky stood foremost among the states of the Union and gave excellent promise for the future.

<sup>29</sup> W. R. Garrett, *History of the South Carolina Cession and the Northern Boundary of Tennessee* (Nashville, 1884). Pamphlet.

## CHAPTER XLIV

### SOCIAL AND INTELLECTUAL PROGRESS, 1792-1810

With the coming of the nineteenth century the state had made long strides in her social and intellectual development. The people were becoming more and more unlike the first settlers who had crossed the mountains. They were departing in many ways from the inevitable conditions that had made them one time frontiersmen in every sense. Material development had necessarily changed the social conditions. Created wealth widened the early classes that had tended to appear in Kentucky society almost as soon as a society could be said to have existed. A contemporary observer declared that in 1800 "the state of society in Kentucky, had undergone considerable change in the course of the last eight years; and especially, from the end of the war. There was a greater disparity between the extremes of the aggregate society; with an increased proportion of citizens of little or no property, or of new claims to land, not paid for, and who were ranked by themselves with the poor. While on the other hand, those who possessed the means, were accommodating themselves with good houses, and domestic comforts; which produced a contrast, not readily overlooked by the eyes of envy or jealousy."<sup>1</sup> But with this development away from the equality of the frontier, there did not go a progress directly toward the social and intellectual conditions characteristic of the regions east of the mountains. The surroundings, past experiences, peculiar problems, and particular aspirations, all made the Kentucky character separate and distinct from the old states of the East. In fact so peculiar were these elements to Kentucky that the people even differed much from other communities and states that had sprung up in the West by this time. Thomas Jefferson declared of the Kentuckians in 1818, "They are freer from prejudice than we are, and bolder in grasping a truth. The time is not distant \* \* \* when we shall be but a secondary people to them."<sup>2</sup> This peculiar Kentucky character was so lasting that evidences of it are not lacking even to this day.

A high-toned social condition was growing up which approximated in a gentility of Eastern society. The large estates of the Bluegrass region were graced with stately homes where much effort was taken and pride exhibited in entertaining visitors. Lexington and its environs became the center of this society which was indeed unequalled for many years in this respect in all the country west of the Alleghany Mountains. In 1814 it was thus described: "Society is polished and polite. They have a theatre; and their balls and assemblies are conducted with as much grace and ease as they are anywhere else, and the dresses of the parties are as tasty and elegant. Strange things these in the 'back woods'!"<sup>3</sup> One of the most elegant and pretentious homes in the state was Chaumiere near Lexington. It was built by Colonel David Meade in the latter part of the eighteenth century, and here many men of

<sup>1</sup> Marshall, *History of Kentucky*, II, 332.

<sup>2</sup> *Writings of Jefferson*, XV, 168, 169. This was in a letter to John Adams, written May 17, 1818.

<sup>3</sup> *Niles' Register*, Vol. 6, p. 250.

national prominence were entertained. Among the presidents who partook of its hospitality were Monroe, Jackson, and Taylor. Henry Clay was also a frequent visitor; and while Burr and Blennerhassett were engaged in their western ventures, they too, were entertained here.<sup>4</sup> Ashland, the home of Henry Clay, was the seat of a no less brilliant society, and, indeed, a more lastingly important one. Col. Thomas Hart, who went to Kentucky in 1794, and who immediately became prosperous in the new country, wrote from Lexington of its social conditions to Governor William Blount of Maryland. He stated that his "family would be extremely glad at seeing any of their friends and I know that Mr. Blount would say with us that the society of this place is equal if not superior to any there is to be found in any interior town in the United States. for there is not a day passes over our heads but I can have half a dozen strange Gentlemen to dine with us and they are from all parts of the Union."<sup>5</sup> Years later a Kentuckian who had lived in and enjoyed this society looked back upon it with a longing and wistful eye! He attested to its convivial nature. "Almost every young man of his acquaintance had a horse, a gun and a violin." The life of the younger people seemed to have been made up of one round of dancing parties. "Society seemed to be viewed as if it were for amusement alone. \* \* \* Every independent farmer's house was a home for all, and a temple of jollity."<sup>6</sup>

An element in the social affairs of the people as well as in their material progress was the practice of horse-racing. The race-course was early set up in the Bluegrass region. In 1798 Frankfort held a series of races lasting over a period of three days.<sup>7</sup> In his trip through the state in the early part of the nineteenth century Francois Michaux observed the importance of the horse as a topic of conversation generally. This and other traits of the people he noted: "Horses and law-suits comprise their usual topic of conversation. If a traveler happens to pass by, his horse is appreciated; if he stops he is presented with a glass of whiskey, and then asked a thousand questions. \* \* \* These questions which are frequently repeated in the course of a journey, become tedious, but it is easy to give a check to their inquiries by a little address; their only object being the gratification of that curiosity so natural to people who live isolated in the woods, and seldom see a stranger."<sup>8</sup>

<sup>4</sup> *Courier-Journal*, April 17, 1921.

<sup>5</sup> Letter from Thomas Hart to William Blount, February 15, 1795, in the possession of Miss Lucretia Clay of Lexington, a descendant.

<sup>6</sup> Butler, *History of Kentucky*, 455, 456.

<sup>7</sup> *Palladium*, October 16, 1798.

<sup>8</sup> F. A. Michaux, *Travels to the West*, 247, 248.

Lexington is thus described by Samuel R. Brown in 1817, in a sketch written for the *Western Gazetteer at Emigrant's Directory*.

"I had occasion to visit this place in the summer of 1797; it then contained about fifty houses, partly frame, and hewn logs, with the chimneys outside; the surrounding country was then new, a village lot could have been purchased for \$30, and a good farm in its vicinity for \$5 an acre. The best farmers lived in log cabins, and wore hunting shirts and leggings. In May last (1816) business again called me to Lexington. But how changed the scene! Everything had assumed a new appearance. The beautiful vale of Town Fork, which in 1797, I saw variegated with cornfields, meadows and trees, had in my absence been covered with stately and elegant buildings—in short, a large and beautiful town had arisen by the creative genius of the west. The log cabins had disappeared, and in their places stood costly brick mansions, well painted and enclosed by fine yards, bespeaking the taste and wealth of their possessors. The leathern pantaloons, the hunting shirts and leggings had been discarded, for the dress and manners of the inhabitants had entirely changed. The scenery around Lexington, almost equals that of the elysium of the ancients. Philadelphia, with all its surrounding beauties scarcely equals it. The surface resembles the gentle swell of the ocean, when the agitations of a storm have nearly subsided. The

The contented feeling of the people with their country was expressed often in celebrations and resolutions of their legislature and various other meetings. The Fourth of July very early came to play an im-

roads are very fine and wide. The grazing parks have a peculiar neatness; the charming groves, the small, square and beautiful meadows, and above all, the wide spreading forests of corn waving in grandeur and luxuriance, and perfuming the air with its fragrance, combine to render a summer's view of Lexington inexpressively rich, novel, grand and picturesque. The site of the town is in a valley; but the declivities are so gentle that some travelers, not scrupulously accurate, have described it as a plain. Town Fork creek waters the central parts of the town; it is narrow and in severe droughts nearly dry. The main street, which is one mile and a quarter long, runs parallel with the creek on the north side. There are three other streets running parallel with the main street. These are intersected at short intervals by cross streets; all of which are wide and mostly paved. Main street presents to the traveler as much wealth, and more beauty than can be found in most of the Atlantic cities. It is about 80 feet wide, level, compactly built, well paved, and having foot ways, twelve feet wide on each side. I was surprised to see at every step, finely painted brick stores, three stories high, and well filled with costly and fanciful merchandise. Near the centre of the town is the public square, lined on every side with large, substantial brick houses, stores, hotels, etc. In this square stands the market house, which is of brick, and well furnished on Wednesdays and Saturdays; but occasionally the scene of a barbarous practice; for it is here that incorrigible or delinquent negroes are flogged unmercifully. I saw this punishment inflicted on two of these wretches. Their screams soon collected a numerous crowd—I could not help saying to myself: 'These cries are the knell of Kentucky liberty.' I had not the leisure to count the buildings, and found no person capable of giving the requisite information. This town appears as large and populous as Cincinnati, which contained in 1816, 1,000 houses and 6,000 souls. The public buildings consist of several churches, belonging to Methodists, Presbyterians, Baptists, Seceders, Episcopalians, and Roman Catholics. The court house is a three story brick building, with a cupola rising from the middle of a square roof, and contains a bell and a town clock. The Masonic Hall and the Bank, are fine brick buildings. There is a public library, and a university called Transylvania, liberally endowed, the terms of tuition are \$200 per annum. There is a female academy, where the following branches are taught, viz.: Reading, writing, arithmetic, grammar, correspondence, elocution, rhetoric, geography, astronomy, ancient and modern history, chronology, mythology, music, drawing, embroidery, etc. The tavern and boarding houses are neat and well furnished. Wilson's hotel is excelled by none in America, for extensiveness, style and good living. The streets are often thronged with well dressed people. A prodigious quantity of European goods are retailed to the crowd of customers, who resort here from the neighboring settlements. There are two bookstores, and three printing offices, from which are issued as many weekly papers, viz.: The Reporter, and Kentucky Gazette, both Republican, and the Monitor, Federal, and the only one of that political cast in the state. The inhabitants are as polished, and I regret to add, as luxurious as those of Boston, New York, or Baltimore; and their assemblies and parties are conducted with as much ease and grace, as in the oldest towns of the union. The manufactories are extensive, and promise a continued growth of the town. There are four nail factories, which manufacture seventy tons of nails yearly—two copper and tin manufactories—several jewelers and silversmiths, ten saddler shops, five cabinet shops, and three painters, seven tailor shops, an umbrella manufactory, twelve blacksmiths, two gunsmith shops, several tobacconists, five chair makers, three dyers, six hatters, sixteen shoemakers, two stocking weavers; besides tanneries, breweries, distilleries, cooperies, brickyards, carding machines, etc. The rope walks are on a large scale, and its manufacture of hemp in 1811, were valued at \$500,000. There are several cotton and woolen manufactories—three steam grist mills, and two steam paper mills. The Lexington woolen manufactory, erected by Messrs. Prentiss & Co. and Mr. Sanders' large cotton manufactory are built on the Town Fork, about a mile southwest of the town. They went into operation in June last. Mr. Sanders employed about 150 hands; the articles manufactured consist of cotton yarns, sheeting, shirting, bedticking, counterpanes, table clothes, chambrays, cassinets, sattinets, woolen cords, etc. The woolen manufactory also employed 150 hands—it manufactures broadcloths, cassimers, blankets and flannels. It has a steam paper mill connected with it, which produces paper of a fine quality. The other paper mill rivals any establishment of the kind in the United States.

"There are between fifty and sixty villas, or handsome country residences in the vicinity of Lexington, and that of Henry Clay, Speaker of the House of Representatives may be pronounced one of the most delightful. It is situated

portant part in the popular celebrations of the times. Lexington took much interest and made great efforts to set this day apart for a gathering of the surrounding country. Parades of the militia, of fraternal orders, and of other groups of the people, much speech-making, and a barbecue generally characterized the celebration of this day. The grove around Maxwell Spring for many years was the center of most of the festivities. This was the occasion where the masses of the people came to celebrate the birth of their country's independence by feasting on roasted beef and patriotic oratory. But to those who wanted a quieter celebration other ways were open. Family celebrations in which a few friends would be invited to participate were not uncommon. In 1794, one William Price held such a celebration and among his invited guests was Governor Shelby. However the governor was unable to be there, and Price in writing to him to express his disappointment described the celebration: "We had a glorious time, and a big dinner. Forty men sat down at my table who had served in the late Struggle for American Independence. It was a glorious Sight to behold, and I wish King George III and Lord North could have witnessed this Scene in the wilds of America. On the return of this glorious anniversary of our freedom from British despotism the heart of every patriot in the late Struggle may rightfully pour forth its highest Tribute to the great Sages and Statesmen and Soldiers who resolved to Stake their lives and Sacred [honor] on maintaining the Declaration of Independence."<sup>9</sup>

The civic pride of the people was evident in the better living conditions that were soon developed in the small towns and cities. Lexington continued her progress, already noted in connection with making the city more healthful by banishing pigs from the streets and removing slaughter-pens from the city limits. Streets were yet, however, unpaved and muddy. In 1805 Frankfort made an important move toward bettering her living conditions. Instead of longer depending on town wells for water, a system of water-works was begun by a group of people, incorporated the same year and known as the "Frankfort Water Company." Later was carried to the town through log pipes from a spring two miles distant and distributed rather widely to the citizens.<sup>10</sup> Although the works soon gave way on account of faulty workmanship and the instability of materials used, still the undertaking showed the rising consciousness of the town.

The educational and general intellectual development of the people

about one mile east of the town, on an agreeable rise, and is nearly surrounded with poplar and locust groves.

"The inhabitants of Lexington have a healthful and sprightly appearance; there are several families from the New England states, who have resided here for a number of years, and enjoyed good health.

"There is nothing in the manners or morals of the people of Lexington to justify the shameful calumnies of the British hireling Ash. The inhabitants (he says) show demonstrations of civilization; but at particular times, on Sundays and market days they give a loose to their dispositions, and exhibit many traits that should exclusively belong to untutored savages. Their churches have never been finished, and they have all the glass struck out by boys in the day, and the inside by rogues and prostitutes who frequent them at night."

"Land is as dear around Lexington as it is in the oldest settlement on the seaboard, whole farms have sold for \$100 an acre; and small parcels for a far greater sum; town lots are exorbitantly high.

"The cattle, horses and sheep are very fine. Great numbers of cattle are bought by the drovers for the Baltimore and Philadelphia markets. A first rate yoke of cattle can be purchased for fifty dollars; and a horse worth one hundred dollars in New York, could be bought for seventy dollars. Provisions are cheap, and abundant. Mechanics charges are high. A tailor will charge you from five to ten dollars for making a coat. Board \$2.50 a week for laborers. Most of the mechanics are in prosperous circumstances."

<sup>9</sup> Durrett MSS. Letter from Wm. Price to Isaac Shelby, July 5, 1794.

<sup>10</sup> Marshall, *History of Kentucky*, II, 373.

at the beginning of the nineteenth century was as vigorous and promising as any line of their material progress. It was observed and noted by numerous travelers, some of whom were so enthusiastic in their description as to be guilty of exaggeration. Francois Micheaux declared that the "children are kept punctually at school, where they learn reading, writing, and the elements of arithmetic. These schools are supported at the expense of the inhabitants, who send for masters as soon as the population and circumstances permit; in consequence of which it is very rare to find an American who does not know how to read and write."<sup>11</sup> As heretofore mentioned, higher education first engaged the attention and exertions of the leaders of the state. Transylvania Seminary had already resulted from this enlightened sentiment. But this institution had scarcely begun its existence before a feeling had grown up among the Presbyterians that the school had departed from the orthodox faith and that it had fallen under deistic influences. So as a result, they were able in 1794 to secure a charter from the Legislature for a rival seminary. To save it from the forces that controlled the Transylvania institution they had inserted into the charter certain protective stipulations. In the first place, "The president of the said academy shall be a minister of the Gospel, of the most approved abilities in literature, and acquaintance in mankind, that may be obtained, and zealously engaged to promote the interest of real and practical religion." And to protect the unsuspecting student from occult heresies, it was provided that "No endeavours shall be used by the president, or other teachers, to influence the mind of any student, to change his religious tenets, or embrace those of a different denomination, any further than is consistent with the general belief of the Gospel system, and the practice of vital piety."<sup>12</sup> James Blythe and David Rice were soon dispatched on a mission to the Eastern states for the purpose of soliciting contributions. The unusual concern of the Kentuckians in setting up educational institutions aroused much interest and support among men of prominence in the East. President Washington was especially interested in these ambitious frontier undertakings; he subscribed \$100. John Adams also subscribed a like amount, while Aaron Burr contributed \$50. The Kentucky agents raised in all more than \$10,000. Two years after the charter had been obtained, the school was set going at Pisgah, near Lexington, and was accompanied with success from the beginning. This created considerable alarm among the authorities and supporters of Transylvania Seminary; as they believed that two such schools could not flourish so close together. Negotiations were soon entered into by the trustees of both institutions with the result that in 1798 on a joint petition of both bodies, the Legislature amalgamated the two schools under the name of Transylvania University, the title under which the institution went for sixty-six years.<sup>13</sup>

About the same time Kentucky Academy was set up, a school known as Bethel Academy was being provided for in Jessamine County. In 1795 Franklin Academy was given a charter and was soon started going at Washington. The academy movement was now rather general over the state. The schools were each granted charters by special acts; but no state aid or control was exercised over them. The situation was ripe for the government to assume leadership in the movement by giving badly-needed help and by exercising a central directive power. This was done in 1798 by a law granting to each of the academies in existence

<sup>11</sup> F. A. Michaux, *Travels to the West*, 250.

<sup>12</sup> Marshall, *History of Kentucky*, II, 158, 159.

<sup>13</sup> W. H. Siebert, "The Tory Proprietors of Kentucky Lands" in *Ohio Archaeological and Historical Quarterly*, No. 1, January, 1919, 16, 25; Collins, *History of Kentucky*, I, 24, II, 184; Lewis, *Education in Kentucky*, 21-24.

6,000 acres of unappropriated land. A certain amount of control was provided for on the part of the state. The curriculum should follow in general the requirements of the state that Latin and Greek be taught and that also certain of the sciences be included. There was in the same year in which the act was passed twenty academies organized under this system from private schools that had been previously set up. But many of these schools were so deficient in funds that they found it virtually impossible to take advantage of the land endowment on account of the cost entailed in locating and surveying the land. To remedy this situation the Legislature resorted to the practice of allowing the use of a lottery, outlawed generally today but a method that came to be used very widely during this period and for various purposes. Each school receiving the endowment was given permission to hold a lottery at which not over \$1,000 might be raised.<sup>14</sup>

It will be noted that this new policy with regard to the academies was inaugurated in the same year in which Kentucky Academy and Transylvania Seminary were amalgamated, resulting in Transylvania University. All of this legislation taken as a whole clearly points to a well-rounded and beautiful educational system that was undoubtedly contemplated by the education leaders of the day. The university was to be the cap-stone of the whole educational edifice, of which the academies were to make up the well-laid foundations. This was an ambitious program and logical in its working as far as it was projected. But it stopped short of completion, and in that deficiency is to be largely placed the final failure of the whole fabric. There was no effort made to reach the masses of the people in a system of common schools which would have been the third and final link in the chain. The academies could not flourish and develop as they should have done because there was no system of feeders in the development of common schools. The idea was also predominant of developing the educational system from the university downward but not to the firm and lasting basis of the education of the masses of people, rather than of beginning here and developing upward. As deficient as this system was, still it was a most enlightened and progressive development in this early pioneer commonwealth, and it did much honor to its chief proponent Judge Caleb Wallace.<sup>15</sup> Despite the lack of common schools the academies aided by the state appropriations of land, made laudable progress. They became little centers where competent teachers diffused the sparks of ambition that carried many young men into prominence in state affairs later. Genuine efforts were made to uphold the standards that were laid down and expected of them. An advertisement in the *Kentucky Gazette* in 1798 read: "A Teacher wanted for Bethel School. A man well acquainted with the English, Latin and Greek Languages, Arts and Sciences."<sup>16</sup> The same notice also contained the information that board for the school year would be from ten to twelve pounds. In most of the academies rigorous rules were laid down as to conduct and use of the student's time. As an example, the laws of an academy in 1802, required the students to arise at five o'clock, engage in public prayers at six, and to use the remaining time until seven-thirty in study. From eight-thirty until twelve they "shall again attend strictly to their business." Dinner and recreation should continue their program from twelve until two, and from two until six they should continue their study again. At six public prayers again engaged their attention, and at nine in the evening they were required to be in their beds. During

<sup>14</sup> Lewis, *Education in Kentucky*, 21-25.

<sup>15</sup> Abraham Baldwin had already devised such a system of education for Georgia. See E. M. Coulter, "The Ante-Bellum Academy Movement in Georgia," in *The Georgia Historical Quarterly*, September, 1921.

<sup>16</sup> May 9.

study hours no student was permitted to leave his room. And according to the rules, "No noise shall be made at any time either within or without of doors." Every student "shall appear decently and cleanly" and shall treat one another and all others "with politeness and proper respect." They were prevented from becoming involved in the rowdyism of the town by a rule which prohibited any student from going to the tavern "without particular and lawful business" or unless he should have special permission. "No student shall engage in, or be present at any horse-race, cock-fight, card playing, dice or any other kind of gambling." And as for other forms of diversion and amusement, "cursing, swearing, fighting, quarreling, all indecent language, reveling and dancing are positively forbidden." There was to be no unnecessary visiting among the students in their living quarters "and they shall in no case intrude on each other." On Sunday mornings all were required to go to church, and monitors were appointed to check their presence during the sermon. For the infraction of these rules a number of punishments were prescribed, ranging in severity as follows: reasonable correction, private or public admonition, suspension, and expulsion. Literary societies were established as an important adjunct to the course of study, and in order to stimulate a desire on the part of the uninterested students in joining, a rule prescribed that every student not belonging to a literary society should deliver an oration every week; but if he became a member, then, he might be excused by the president of the academy.<sup>17</sup>

The academies were essentially schools designed to serve the towns. Generally there were preparatory departments included in the academy which fitted the pupils for the higher academic subjects. The country districts, thus, profited nothing from the academies. State public land, the rightful property and heritage of the rural Kentuckians as much as of the urban population, were so appropriated as to benefit exclusively the latter; but so scant was the educational consciousness in the outlying districts that little or no protest went up from them, and no movement sprang up to obtain a lawful share of the state's patrimony. But this does not mean that the country districts were entirely devoid of schools, or of the appreciation and desires of an education. The so-called old field school grew up as a picturesque element in the lives and general progress of the country folk. Wandering pedagogues came and went in their travels and labors over the country. They taught a few months of the year wherever the subscriptions from the surrounding community made a school possible. The teacher boarded with his patrons, often passing from one to another before the term of school had ended. In early times, besides receiving his board, he was often paid the remainder of his salary in meat, tobacco furs and other articles current in the community. Most of the teachers were ne'er-do-well, who had failed in their other undertakings and though ill-educated set to work to instruct others who were less educated. Some were, however, powerful but silent factors in the training of leaders who were in time to come to be an honor to the state they represented.

The subjects taught were reading, writing, and ciphering to the rule of three. In later times higher courses were introduced in many of the old field schools. There were varying degrees of efficiency and deportment in the different schools. In some the teacher was a tyrant who wielded the rod with a heavy hand on slight provocation; while in others the students set the customs, selected the holidays, and ruled in other respects to the general detriment of the school. Neither aided by the state nor controlled by it, the old field school arose and progressed in

<sup>17</sup> MSS. laws on *Breckinridge MSS.* (1802).



its own way.<sup>18</sup> Ministers of the Gospel often conducted schools in their homes or engaged in teaching in the log school house. An early pioneer describes the sort of house that was common in his day: "In a year or two after our removal, a small school house was erected by the joint labor of several neighbors. \* \* \* It was entirely in the woods. \* \* \* In the winter light was admitted through oiled papers through long openings between the logs. It was one story high, and about sixteen by twenty feet in dimensions, with a great wooden chimney, a broad puncheon floor, and a door of the same material with its latch and string."<sup>19</sup>

With a university, academies, and old field schools, still there seems to have been room for another kind of school. There was announced in the *Kentucky Gazette* in 1794 by a Mr. Woodrow, the ancestor of Woodrow Wilson, an intention to begin in Lexington shortly an "Evening School." It was to use the "newest methods," and seems to have had in view that class of students who were employed during the day, and were therefore unable to take advantage of schools except in the evenings. The announced courses of study tended toward practical things. Geometry, trigonometry both plain and spherical, navigation, gauging, algebra, and "merchants accounts and arithmetic completed the curriculum."<sup>20</sup>

Apart directly from school, there were other evidences of the mental alertness that characterized the centers of thought and action in the state. A series of articles in the *Kentucky Gazette* during 1802 sought to impress upon the people the great value of a classical education. It was argued that Latin and Greek should be studied as the very basis of all education.<sup>21</sup> Before 1800 book-shops in Lexington were stocked with large numbers of books on a wide variety of subjects, which were advertised with Twentieth Century industry and persistency. Such an advertisement in the *Kentucky Gazette* in 1793 listed by name surveying treatises, Kentucky and English law books and court reports, almanacs, religious works, histories, Greek and Latin classics, and such English masters as Shakespeare and Milton.<sup>22</sup> Two years later an advertisement filling a whole page was necessary to give the public an insight into the various works in a Lexington shop.<sup>23</sup> In 1796 the Lexington Library was established with 400 volumes. It became an important and growing institution in the town's life, and it has developed into one of the best in the state today, a depository of early and valuable records.<sup>24</sup> A development more or less dependent on the same motive forces that produced this institution took place in Lexington in the early Nineteenth Century. This was a sort of a coffee house or literary center where the guests could combine amusement, and social fellowship with intellectual recreation. The members gathered here at their leisure times to play billiards, chess, and backgammon, and were served with wines, liquors, beer, cordials, and confectioneries. Newspapers from all parts of the country were kept on file—around 1807 there were forty-two different newspapers to be found here. This institution was largely based on subscriptions from its members. The fee was \$6 annually, and at this time there were sixty subscribers.<sup>25</sup>

The unusual intellectual activity and development of the times is seen in a movement that was started toward the erection of a museum of

<sup>18</sup> For a brief account of the early schools, see Lewis, *Education in Kentucky*, 30-33.

<sup>19</sup> Daniel Drake, *Pioneer Life in Kentucky*, 143, 147.

<sup>20</sup> December 20.

<sup>21</sup> For example, during April.

<sup>22</sup> For example, December 14.

<sup>23</sup> *Kentucky Gazette*, June 27, 1795.

<sup>24</sup> Ranck, *History of Lexington*, 194-196; Collins, *History of Kentucky*, I, 24.

<sup>25</sup> F. Cummings, *Sketches of a Tour to the Western Country*, 188.

natural history in Lexington. Edward Graham had been observing and noting the numerous natural wonders and curiosities that seemed to abound in the state. He was also conscious of the inroads time and travelers were making upon them. The Big Bone Lick with its heaps of skeletons of pre-historic animals had long excited the wonder of visitors, and many of the bones had been carried away. Why should not these curiosities and other remains equally wonderful be preserved for the amusement and edification of future generations, thought Graham. He wrote John Breckinridge in 1795, "It occurs to me that a museum should be established somewhere in Kentucky as a repository for all the curiosities that might hereafter be found, worthy of the attention of the curious." A room, he believed, might be secured as a beginning in one of the educational institutions in Lexington. He would have the skeleton of a mammoth secured as a nucleus.<sup>26</sup> The curious turn of mind of the people and their desire to see the wonderful and the unusual, human characteristics in fact peculiar to no group of people or times, must have gone abroad over the land, for as early as 1808, an elephant was exhibited in Lexington, and the people were informed that they might see this "wonderful work of nature" for twenty-five cents each. The Lexington newspapers carried cuts of this animal and announced in advertisements that "Those that wish to gratify their curiosity by seeing the wonderful work of nature" should come early; for "Perhaps the present generation may never have an opportunity of seeing an elephant again, as this is the only one in the United States, and perhaps the last visit to this place."<sup>27</sup>

The desire of the people to be informed on the news of the days as well as to have a medium for expressing their opinions early led to the *Kentucky Gazette*, the establishment of which had already been noted. To the Bradford family—John, the pioneer, his brother, Fielding, and the former's son Daniel—journalism in the state owed its beginning and following impetus. Fielding Bradford remained with the *Gazette* from the beginning of the paper, when he entered into partnership with John, until June, 1788. Daniel Bradford took control of the paper in 1802 from his father and continued to edit it until 1809, when it passed out of the control of the Bradford family. However, in 1812, Fielding Bradford, Jr., bought the *Gazette* and ran it for about three years, at the end of which time it passed definitely from the Bradfords. A mania for establishing newspapers soon seized the people. In 1795, *Stewart's Kentucky Herald* was set up by Thomas H. Stewart in Lexington and ran for a decade before being incorporated with the *Gazette*. For the next few years, it seemed that almost every community in the state that could boast of being called a town was agitating for a newspaper. In May, 1797, *The Rights of Man or the Kentucky Mercury* was started in Paris, and in August following, *The Mirror* was first issued by Hunter and Beaumont in Washington. The next year saw three more papers beginning in other towns. Frankfort, the capital got her first taste of journalism in *The Palladium* and the *Guardian of Freedom*, and in this same year *The Kentucky Telegraph* was set going.<sup>28</sup>

During the next dozen years from 1800 to 1812, there were no less than twenty-nine newspapers founded in the state. Nothing could give a better index into the intellectual and controversial character of the people than this remarkable journalistic development. In 1803 Bardstown possessed her first paper in the *Western American* and Lexington

<sup>26</sup> Letter from Edward Graham to John Breckinridge, September 25, 1795, in *Breckinridge MSS.* (1795).

<sup>27</sup> *Reporter*, December 22, 1808.

<sup>28</sup> *The Palladium* was in reality *The Mirror* transferred from Washington to Frankfort and re-named.

established her third in the *Independent Gazette*. In the same year Washington set up the *Weekly Messenger* to fill the want created by the removal of *The Mirror* five years previously. The next year saw the old political capital of the state, Danville, in possession of her first paper, called *The Mirror*; and in the same year Shelbyville with less than 300 inhabitants gave birth to the *Republican Register*. Having once tasted of journalism, Danville could not rest content with one newspaper; so in the following year she set up *The Informant*. The year 1806 was a very prolific year—four papers came to light during this period. Washington received her third paper, called the *Republican Auxiliary*; Bardstown acquired her second in *The Impartial Review*; Russellville,



PORTRAIT OF JOHN BRADFORD, EDITOR OF KENTUCKY GAZETTE AT  
LEXINGTON IN 1788  
(Courtesy of The Filson Club)

a town of 117 inhabitants in 1800, became the seat of *The Mirror*, a name applied for the third time to a newspaper in the state; and the Town of Frankfort was selected by Wood and Street in which to publish their *Western World*, the newspaper of Spanish conspiracy fame. In the following year there arose to flourish for a time *The Candid Review* at Bardstown and *The Impartial Observer* in Lexington. The year 1808 seems to have been the banner year in the number of new papers set going; no less than five arose; *The Lamp* in Lincoln County and the *Western Citizen* in Paris were the least famous and important. The *Argus of Western America* entered a long and stormy career at Frankfort with Amos Kendall later identified with it; Louisville tardily set up her first newspaper, the *Louisville Gazette*; and *The Reporter*

began a period of usefulness and prominence in Lexington. The succeeding three years, 1809, 1810, and 1811 produced respectively four, three and four newspapers, which follow in the same order: the *Political Theatre* at Lancaster, *The Dove* at Washington, *The Globe* at Richmond, *The Examiner* at Lancaster, the *American Republic* at Frankfort, *The Luminary* at Richmond, the *American Statesman* at Lexington, the *Western Courier*, at Louisville, the *Bardstown Repository* at Bardstown, and *The Telegraph* at Georgetown.<sup>29</sup> This flood of newspapers more than saturated the reading public of the state, and it was inevitable that some of them should have short existences, others flourished for a time, while still others were destined to remain long and exert a profound and powerful influence. In many ways all of them prepared the ground and made possible the golden age of journalism to come.

With so many people in the western country interested in the newspaper business, it was only natural that an association should early spring up designed to bind themselves together professionally. In 1805 chiefly through the efforts of John Bradford a movement was started to bring about the organization of a "Printer and Booksellers Association" whose purpose it would be "to facilitate the production and interchange of works of merit." In July notice was given that a meeting would be held in Lexington in the following October for the purpose of starting such a society.<sup>30</sup> According to the announced intentions, the meeting was held on October 2nd and an organization set up. John Bradford was elected president, and a committee consisting of William Hunter, Joseph Carpenter, N. Willis and Daniel Bradford was appointed to draw up a constitution. The next meeting was set for the first Monday in January following. This association, although composed mostly of Kentuckians and receiving most of its inspiration from them, was not limited to the state either in purpose or fact. The call had been issued to the printers of the western country; and to the first meeting Ohio sent representatives.<sup>31</sup>

During this period of intellectual awakening and educational development, the religious denominations were active and vigorous. Although frontiersmen were typically hard and unemotional, and their surroundings were not such as to encourage and develop religious feelings, still deep in their nature, there were the main springs of religious fervor, the intensity of which has scarcely ever been reached in our history except under those very frontier conditions. The pioneer religion in Kentucky was the Baptist. In 1776 William Hickman, a Baptist minister, visited this region, principally on a tour of observation with the view of later settling. During the next few years other Baptist ministers visited Kentucky for the same main purpose. Not until 1780, however, when the great migration began to the West, did the beginnings of a religious organization west of the mountains arise. The Baptists in great numbers poured out of Virginia with this movement and in 1781 organized a congregation at Gilbert's Creek, which was thus the first church of any faith in Kentucky. This was the "traveling church" previously mentioned. By 1785, such progress had been made that three associations were formed, the Elkhorn, the Salem, and the South Kentucky, which were comprised five years later of forty-two churches and 3,105 members. This religion was far ahead of any other in the district at this time. One out of every twenty-three inhabitants was a member of this church.<sup>32</sup>

<sup>29</sup> W. H. Perrin, *The Pioneer Press of Kentucky* (Louisville, 1888), 21, 22; G. H. Payne, *History of Journalism in the United States* (New York, 1920), 205, 206; J. M. Lee, *History of American Journalism* (Boston, 1917), 170, 171.

<sup>30</sup> *Kentucky Gazette*, July 30, 1805.

<sup>31</sup> *Kentucky Gazette*, October 7, 1805.

<sup>32</sup> L. Garrett, *Recollections of the West* (Nashville, 1834), 5-12; Collins, *History of Kentucky*, I, 416-420. For accounts of the Baptist church in the state see John

Members of other denominations were likewise coming to Kentucky in great numbers, with religious consciousness sufficient for organizing congregations. The first regular ministers sent out from Virginia to administer to the religious wants of the Methodists were James Haw and Benjamin Ogden in 1786. However, they had been preceded as early as 1783 by itinerant preachers of Methodism, among whom was Francis Clark, who stands pre-eminent in the early annals of his religion in Kentucky. In 1787 there were ninety members; and in the following year two circuits were formed: Lexington and Danville, from the original, which had been called the Kentucky circuit. By 1790 the growth of the congregations and membership had been so remarkable that 1,265 white communicants and 107 colored were reported at the conference held at Masterson's Station. By 1800 there was a total of 1,741 members, representing a rather slower growth during this decade than the years directly preceding 1790.<sup>33</sup> The Presbyterian faith, which was even now the religion of many frontiersmen, had been early carried to the regions of Virginia beyond the mountains. In 1783 David Rice immigrated to Kentucky and immediately set about gathering the scattered Presbyterians into congregations. He was soon followed by other ministers and in 1786 they organized themselves into the Presbytery of Transylvania. Membership in this church increased rather rapidly, so that by 1802 there had been organized two additional presbyteries, with one lying principally in Ohio. A synod was organized this year at Lexington which embraced all Presbyterian churches west of the Alleghany Mountains.<sup>34</sup>

A considerable number of the early settlers of the Kentucky country were of Episcopal faith, but the cohesive feeling that should have drawn them together into church organizations was for some years lacking. A contemporary wrote that "There were in the country and chiefly from Virginia many Episcopalians, who had formed no church—there being no person to take charge of it. At the period of separation from Virginia, it might have been hazarded, as a probable conjecture, that no Episcopalian church would ever be erected in Kentucky."<sup>35</sup> But two years after the state had entered the union a church was set up in Lexington.<sup>36</sup> Although not so numerous as the Baptists, the Roman Catholics were to be found in Kentucky as early. Representatives of this church settled at Harrod's Station in 1775; but a few years later removed to Bardstown. Here a Catholic center of influence soon grew up. Subsequent settlers of the Catholic faith came here. The majority of Catholics coming to Kentucky were from Maryland. In 1785 a colony migrated from Maryland to the West and settled in the region around Bardstown. Two years later there were about fifty Catholic families in Kentucky; while by 1793 it was estimated the numbers had grown to 300.<sup>37</sup>

Thus it was that in 1800 the chief religious denominations of the country were represented in Kentucky, all functioning through their church organizations. Numerous people were connected with no church,

Taylor, *A History of Ten Baptist Churches* (Frankfort, 1826) and J. R. Raumes, *A History of Kentucky Baptists* (Cincinnati, 1885), two volumes.

<sup>33</sup> Collins, *History of Kentucky*, I, 445-451. For a fuller account of Methodism in Kentucky see A. H. Redford, *The History of Methodism in Kentucky* (Nashville, 1868), three volumes; and also the important primary source, W. W. Sweet, editor), *The Rise of Methodism in the West; being the Journal of the Western Conference, 1800-1811* (Methodist Book Concern).

<sup>34</sup> Collins, *History of Kentucky*, I, 456-459. For a fuller account of the Presbyterian church see Robert Davidson, *History of the Presbyterian Church* (New York, 1847).

<sup>35</sup> Humphrey Marshall quoted in Collins, *History of Kentucky*, I, 437, 438.

<sup>36</sup> Collins, *History of Kentucky*, I, 437-439.

<sup>37</sup> Collins, *History of Kentucky*, I, 485-487. For Catholicism in Kentucky see M. J. Spaulding, *Sketches of Early Catholic Missions in Kentucky; from their Commencement in 1787 to the Jubilee of 1826-27* (Louisville, 1844), B. J. Webb, *The*

but this was true everywhere throughout the nation. Considering the frontier conditions that prevailed in the rural parts of the state, religious development and progress was rapid and promising. About this time came a remarkable outburst of religious enthusiasm, which has stood out during all subsequent time as a unique and almost inexplicable religious development. The lives of many of the settlers were hard and rough. The lack of the more civilized practices and forms of amusement that existed east of the mountains were not to be found in Kentucky. The solitude that often haunted the lives of frontiersmen made them seek relief in any manner that might offer itself. Heavy drinking, gambling, barbarous fighting and gouging, fierce duels to the death, and rough games and sports characterized often the gatherings of the community. There were deep in their natures emotions that must find an outlet, the expression of which should be vigorous. They were so constituted that if their rough amusements should be given up, then excessive zeal along some other line must be substituted. And that substitute seems to have been found for many in what has come to be known as the Great Revival.

There were in the early days of the migrations to Kentucky evidences of the deep-laid religious natures of the people and their excessive zeal and fervor, when their feelings were properly played upon. In 1790 Bishop Asbury, who was visiting Kentucky at this time, preached to a large gathering of people near Lexington. He preached with great power and earnestness; and according to an old account, "The house was crowded day and night, and often the floor was covered with the slain of the Lord, and the house and the woods resounded with the shouts of the converted." The ease with which the feelings of the people generally could be played upon was shown in the meeting. According to another account "hundreds were seen to fall to the ground or floor like men slain—the voice of shouting could not be distinguished from the voice of weeping."<sup>38</sup> There were other evidences of a preparation that was going on among the different denominations, destined to play an important part in the great religious outburst soon to follow. The Baptists issued a circular letter in 1793 declaring that the people were cold and indifferent toward the church and that the wrath of God was about to be visited upon them for their indifference. It then called upon them to think of the kind of lives they were leading: "We may be sure, dear brethren, that we have need of examination. Let us therefore put these serious and solemn questions to each of our consciences: Is the fear of God before my eyes? Do I live in obedience to the divine law? Do I discharge my duties I owe to God? to his church? and to the world? Do I live a life of self-denial and mortification? Is my house a house of prayer? Is my seat never empty in the house of God? Do I honor God with my substance? Am I engaged in watching over my brethren in love; in reproving the wicked; and in comforting the tempted? If we are faulty in these things what can we expect without a reformation? Suffer us to exhort you to the faithful discharge of those duties. The way to obtain our first love is to do our first works."<sup>39</sup> In the Methodist Church likewise a call for prayer and introspection was called for. According to the Conference minutes in 1795: "It is recommended by the general traveling ministry of the Methodist Episcopal Church, that the first Friday in March, 1796, should be held as a most solemn

*Centenary of Catholicity in Kentucky* (Louisville, 1884), and V. F. O'Daniel, *The Right Rev. Edward Dominic Fenwick, O. P., Founders of the Dominicans in the United States, Pioneer Missionary in Kentucky, Apostle of Ohio, First Bishop of Cincinnati* (New York, 1920).

<sup>38</sup> Garrett, *Recollections of the West*, 16, 17.

<sup>39</sup> *Rippon's Annual Register*, 1793, 68.

day of fasting, humiliation, prayer, and supplication. It is desired that it should be attended to in all our associations with all sabbathical strictness. That we should bewail our manifold sins and iniquities, our growing idolatry, which is covetousness, and the prevailing love of the world—our shameful breach of promises and irreligious habits of making contracts, even without the attention [intention?] of honest heathens to fulfill them—our superstition, the trusting in ceremonial religion—the profanation of the name of the Lord—the contempt of the Sabbath, even by those who acknowledge the obligations we are under to keep it holy; for many make no distinction between this and a common day, and others make a very bad distinction by sleeping, walking, visiting, talking about the world, and taking their pleasure. Many also in various parts of the country profane the sacred day by running their land and water stages, waggons, etc.—disobedience to parents, various debaucheries, drunkenness, and such like. To lament the deep rooted vassalage that still reigneth in many parts of these free states—to call upon the Lord to direct our rulers, and teach our senators wisdom—that the Lord would teach our people a just and lawful submission to their rulers—that America may not commit abominations with other nations of the earth, and partake of their sins and their plagues. That the gospel may be preached with more purity, and be heard with more affection, and that he would stop the growing infidelity of this age, by calling our men who shall preach and live the gospel—that the professors may believe the truth, feel the power, partake of the blessing, breathe the spirit, and obey the precepts of this glorious gospel dispensation—that Africans and Indians may help to fill the pure church of God.”<sup>40</sup> In other parts of the country, even in the New England States, there were here and there signs of a great religious awakening of the people, emotional and spasmodic.

The storm center of this movement was in the Cumberland and Green rivers region of the state, beginning here, growing constantly larger and larger and finally sweeping over almost all of the West. In 1796 James McGready, a Presbyterian minister settled in Logan County, taking charge of three churches, Little Muddy, Gaspar River, and Red River. Here he began to preach with great fervor and earnestness, denouncing with great severity sinful practices and the cold formalities of any church that should gloss over them. He began an intensive campaign by calling upon all to enter solemn covenant binding themselves to offer up prayer on every Saturday evening, Sunday morning and third Saturday of each month for a year for the outpouring of the Holy Spirit on Logan County and the world. Indications of the remarkable effects of his crusade appeared, immediately. This whole section of the state was soon stirred by his aggressive ministry. He was soon followed to this region by other Presbyterian ministers, among whom were William Hodge and Samuel McAdoo, who set to work in the same way toward arousing the people to the enormity of their sins, and calling upon them for immediate repentance. So many people were converted that in a short time congregations had grown up in such large numbers that no ministers were available to care for them. This resulted in fervently religious but illiterate men taking charge of people whose susceptible religious feelings were played upon without the restraint that an education would have imposed. The time was now ripe for a general religious wave or outbreak to sweep over this section.<sup>41</sup>

This happened in 1799, when two young ministers, brothers by birth, but strangers in religion, visited in Logan County the church at Red

<sup>40</sup> *Methodist Magazine*, 1820, 469.

<sup>41</sup> C. C. Cleveland, *The Great Revival in the West 1797-1805* (Chicago, 1916), 34-60; Collins, *History of Kentucky*, I, 433.

River. They were John and William McGee, the one a Methodist, the other a Presbyterian. As it happened the Sunday on which the brothers first preached here had been set aside for the sacramental solemnity, and had according to the custom been preceded on the previous Friday by a preparation consisting of singing, praying, and listening to exhortations. As each spoke in his turn, he called upon the people to repent of their sins and of their terrible evil-doings. Soon the religious fervor of the gathering had reached such a high pitch that women broke forth in shouting. One especially continued her shouts after the regular preaching had ended, walking up and down the floor while one of the brothers was suddenly impelled to take the floor and exhort the gathering, which was loath to leave. In the great fervor that seized the people, many were stricken so that the floor "was covered with the slain." Many cried piteously for mercy and felt that they were healed; others departed in utter wretchedness and agony of soul "spiritually wounded." Soon the whole Green River and Cumberland country was aflame. A sudden terror seems to have seized the people. Every Protestant religion was affected. People deserted their homes for the meeting-house.

The camp-meeting was the direct outgrowth of this movement. The first regular general camp-meeting was held at Gasper River Church in the summer of 1800. This method of holding meetings quickly spread over the state and into Tennessee. People left their homes and occupations and came from as far as 100 miles away to camp in some forest clearing where a camp ground had been prepared. These meetings lasted often for a whole week, with preaching and exhorting day and night. Not only the regular ministers conducted the meetings, but women and even children took part actively. In one instance a little girl of seven years preached to the crowd until she fell exhausted, and on another occasion a boy of twelve exhorted until he was too weak to stand up, whereupon two men supported him until he was unable to speak. All alike seem to have fallen before the irresistible power of the preaching and the surroundings. "Those who came to scoff remained to pray." Many fell prostrate on the ground or floor, wailing and writhing in bodily contortions, some "jerking" their bodies and others violently slinging their heads. They would often lie from fifteen minutes to twenty-four hours helpless but perfectly conscious, piteously lamenting their sins.<sup>42</sup> Peter Cartwright said, "To see those proud young gentlemen and young ladies dressed in their silks, jewelry, and prunella, from top to toe take the jerks would often excite my risibilities. The first jerk or so would see their fine bonnets, caps and combs fly, so sudden would be the jerking of the head that their long loose hair would crack almost as loud as a waggoner's whip." Some in their religious ecstasy fled into the forests where they "treed the devil," barking, yelping, and flogging the trees. Some acquired the "holy laugh," and laughed themselves into hysterics. Francois Michaux, the French botanist, who visited the state during the time of the Great Revival made the following observations: "Often in the midst of the sermons the heads are lifted up, the imagination exalted, and the inspired fell backwards, exclaiming 'Glory! Glory!' This species of infatuation happens chiefly among women, who are carried out of the crowd and put under a tree, where they lie a long time extended, heaving the most lamentable sighs.

"There have been instances of 200 or 300 of the congregation being thus affected during the performance of divine service; so that one-third of the hearers were engaged in recovering the rest!"<sup>43</sup>

The Bluegrass region, which was the first part of the state settled

<sup>42</sup> Cleveland, *The Great Revival in the West*, 87-127; McMaster, *History of the People of the United States*, II, 578-582.

<sup>43</sup> F. A. Michaux, *Travels to the West*, 249.



and which had made the most progress socially and intellectually, soon fell under the spell of the camp-meeting. Conditions there should have seemed to make it the last place where such religious practices would have found a lodging place. In speaking of the Great Revival's spread here, Rev. George Baxter, president of Washington Academy in Lexington, Virginia, said, "In the older settlements of Kentucky, the revival made its first appearance among the Presbyterians, last spring (1801). The whole of that country about a year before was remarkable for vice and dissipation, and I have been credibly informed that a decided majority of the people were professed infidels."<sup>44</sup> As if in punishment for its wickedness, this part of the state perhaps even surpassed the Green River country in the manifestations of religious fervor and zeal, in "holy laughs," "jerks," barking, great agony of mind and soul, and bodily contortions of various kinds. Rev. Barton W. Stone, who had come to Kentucky from North Carolina in 1796, and had been made immediately pastor of the Cane Ridge and Concord Presbyterian churches in Bourbon County near Paris, made a visit to Logan County early in 1801 to judge for himself the Great Revival. He came back fired with its spirit and related to his congregations what he had seen and heard. The effects of his new crusade were evident immediately. The "exercises" soon began to make their appearances. In August of 1801 the Cane Ridge meeting was held, which was perhaps the most wonderful manifestation of the Great Revival throughout the West. Situated in the very heart of the Bluegrass region, this camp-meeting drew not only heavily on the surrounding country, but thousands came from a great distance, some coming even from Ohio. Every road leading toward Cane Ridge was jammed with vehicles of various contrivance, with people on horseback and on foot. People not given to exaggeration and competent to estimate crowds declared that there must have been 20,000 souls present; while others estimated the number at 25,000. A contemporary wrote, "I am on my way to one of the greatest meetings of the kind perhaps ever known: it is on a sacramental occasion. Religion has got to such a height here, that people attend from a great distance; on this occasion I doubt not but there will be 10,000 people and perhaps 500 wagons. The people encamp on the ground and continue praising God day and night, for one whole week before they break up."<sup>45</sup> The number of vehicles at this week's camp-meeting was given at 1,143; and a half thousand candles, besides lamps, was given as the number used in lighting the camp at night. Many wonderful stories were told of the various forms of manifestation of religious sensations. Three thousand people, principally men, fell smitten by the Lord at these meetings.<sup>46</sup>

This Great Revival, which swept over Kentucky and the West from 1797 to 1805 in its most vivid forms and manifestations, was undoubtedly born to a large extent of a simple but profound religious faith stirred up at the opportune time in the development of the state and in the experience of the people. It was looked down upon by the higher classes, and by the more intellectual. Despite the fact that the group psychology of the occasion often caused the scoffer and the intellectual superiors to fall with the simple and the lowly, many people never became reconciled to such methods of religious observances or practices. Francois Michaux declared that "The better informed people do not share the opinion with the multitude with regard to this state of ecstasy, and on this account they are branded with the appellation of *bad folks*. Ex-

<sup>44</sup> Quoted in Cleveland, *The Great Revival in the West*, 71.

<sup>45</sup> Quoted in Cleveland, *The Great Revival in the West*, 79, 80.

<sup>46</sup> Collins, *History of Kentucky*, I, 25; McMaster, *History of the People of the United States*, II, 580.

cept during the continuance of this preaching, religion is very seldom the topic of conversation."<sup>47</sup> It was largely due to this difference of opinion regarding the admissibility of such practices in the church, that schisms and troubles arose. The troubles were especially marked in the Presbyterian Church, resulting in the splitting off of the Cumberland Presbyterian branch. There also arose at this time another schism in the Presbyterian Church in which Barton W. Stone was the central figure and which resulted in the establishment of the Christian Church. The Baptists also had considerable trouble, but contradictory as it may seem, the final result was the welding together in the joys of these great religious sensations the Regular and the Separate Baptists.

There entered the state about this time (1805), but in no way related to the Great Revival, a species of religious organization known to its members as the United Society of Believers but commonly called Shakers. It established itself at Pleasant Hill in Mercer County and soon entered a period of prosperity. In 1810 there were nearly 300 members. This society was particularly distinguished on account of its doctrines and practices of communion and celibacy—its new members coming by conversions from the outside. On account of their emotional nature and the fact that in their religious services they often exercised their bodies with great agitation and shaking of limbs, running and walking the floor, they received their popular appellation.

But the immediate result, which was an outstanding fact from the whole movement was the surprisingly great numbers of new members added to the churches. All of the Protestant churches profited greatly in this respect. In 1800 the Baptists had 109 churches with a membership of 5,000; during the following year they gained 3,911 members; and during the period from 1800 to 1803 they added 10,000 new members and established 113 new churches. In two years of this period of the great Revival the Methodists added 6,250 new members to their faith. Besides these direct and immediate results, there was a quickening of the consciences of large numbers of people which caused them to assume an attitude toward many questions of the day, different from what otherwise might have been the case. There can be little question that the vigorous opposition that was soon to arise against the institution of slavery among many Kentuckians was indirectly a result of this religious movement; for that opposition was largely directed by the church organizations and especially by the denomination that had profited most from the religious revival and had felt most deeply its effect, the Baptists. Mutterings against the use of liquors also began to become audible about this time, and were undoubtedly another result of the people's recent religious experiences.<sup>48</sup>

But the Great Revival was not responsible for the beginning of opposition to slavery. As already set forth, many people were against slavery even before Kentucky became a state and made a fight to prohibit that institution by attempting to insert a clause in the constitution against it. James Garrard, a Baptist minister, who afterwards became governor of the state, in 1791, as chairman of a committee of the Elkhorn Baptist Association, reported a memorial to that body favoring

<sup>47</sup> F. A. Michaux, *Travels to the West*, 249.

<sup>48</sup> For the religious statistics see Cleveland, *The Great Revival in the West*, 19, 65, 66, 130, 131. J. D. Monette, *History of the Discovery and Settlement of the Mississippi Valley*, II, 26, gives a short account of the Great Revival, which is, however, unreliable as to details. Accounts other than those cited may be found in Richard McNemar, *The Kentucky Revival, or a Short History of the late Extraordinary Outpouring of the Spirit of God* (Cincinnati, 1808), and in the church histories referred to in the discussion on the early church history. Also see S. P. Fogdall, "The Religious Development of Early Kentucky" in *The Register of the Kentucky State Historical Society*, Vol. 19, No. 56 (May, 1921), 9-30.

the exclusion of slavery from the commonwealth by constitutional enactment. The movement failed with the First Constitutional Convention, and slavery was therefore legally instituted in the state. The earliest legal status of the slave here was determined by the laws of Virginia. According to these laws no slaves might be brought into the state except under certain specific conditions. On separating from Virginia, Kentucky continued this code for the time being. The first legislation on this subject came in the session of November, 1792. This law prohibited any person from trading in any articles whatsoever with slaves without a written permit describing the article. Infraction of this law laid a person open to a penalty of four times the value of the article bought or sold. In 1798 the Virginia code was abandoned by the enactment by the Legislature of a Kentucky code consisting of forty-three articles. The foreign slave trade was prohibited by a clause declaring that no person should be considered a slave who was not such in 1795 or who was not the descendant of a slave. The movements and duties of slaves were regulated in considerable detail. No slave might travel about with a written permit, carry a gun, shot, powder, club, or other weapon, participate in riots, assemblies, trespasses, or engage in seditious utterances, or testify for or against a free white person. Penalties for infractions of these laws ranged from ten to thirty-nine lashes. Slaves convicted of capital crimes and executed were paid for from the public treasury. This code taken as a whole was characterized by humanitarian sentiments, and just concern for the welfare of the slave. "It is believed," by an early Kentucky writer, "that, so long as Kentucky shall permit slavery on her territory, she will have no cause for desiring to withhold from her sister states, or the world, a knowledge of the treatment they receive; even in her legal code, whose apparent rigour is much relaxed in the execution."<sup>49</sup> The rigors of this code were much reduced from the old Virginia code which it supplanted. This is especially evident in the number of lashes that might be administered in each case. But one of the most important parts of the slave legislation of this year was the provision prohibiting the importation of slaves into the commonwealth for sale. This was an attempt to curb slavery as a business beyond the use of their labor in the home and field, as well as to prevent a disturbing element arising in the entry into the state of vicious and unruly slaves. It, of course, did not prevent the settler from bringing into the state all the slaves he desired for his own personal use; and in this it opened a loop-hole for an easy evasion of the law.

Actuated by the feeling that free negroes were to a great extent a nuisance in the commonwealth and that their position in the social structure was anomalous if not almost impossible, the Legislature in 1807 passed an act to prevent the future migration of free negroes or mulattoes to the state. Any person of this description entering the commonwealth should be arrested and forced to give bond for \$500 to depart within twenty days and never return.<sup>50</sup> This soon proved to be cumbersome and unworkable; and so the following year the Legislature passed an amendatory act allowing free mulattoes to remain and their kindred to come to them provided they should enter the state before Christmas of 1809.

Although the lot of the Kentucky slaves was not hard, still some of them ran away when opportunity offered itself. Notices of runaways

<sup>49</sup> Marshall, *History of Kentucky*, II, 69. For the early condition of the slave also see McDougale, *Slavery in Kentucky*, 31-39.

<sup>50</sup> For attempting to do this very thing, Missouri in 1820 was refused admission into the Union; and only after she had side-stepped it through the second compromise arranged by Henry Clay was she permitted to become a state.

become rather frequent in the papers of the state by the beginning of the Nineteenth Century.<sup>51</sup> There was, despite the absence of aggravating slave conditions, a feeling that the slaves might sometime rise up and create trouble, if the situation were not carefully controlled. Although the Legislature had prohibited the importation of slaves into the state for sale, Lexington passed an ordinance in 1802 declaring that, "WHEREAS the slaves in the Southern states appear strongly bent on an insurrection" no slaves coming from outside the state should be sold in that city.<sup>52</sup>

Although defeated in their attempt to make Kentucky a free state when her first constitution was formed those opposed to slavery continued their opposition. Of all the denominations opposing the institution, the Baptists were earliest and most active in the fight. In 1794 some of the churches of this faith were so bitter in their opposition and so uncompromising in their principles that they refused to commune with slave holders. There were many Baptists who, however, refused to go this far, so that there resulted strained relations among some of the congregations, which actually resulted in a break. The Methodists in considerable numbers, also, opposed human slavery. The Presbyterians had early shown their attitude in their agreement with and support of David Rice in his fight in the first Constitutional Convention. But their opposition was not radical or unreasoning. They realized that emancipation would have to come very slowly, if it came at all. In line with this view, the Transylvania Presbytery in 1794 adopted a resolution calling upon all members of the church to teach their slaves to read the Scriptures so that they might be prepared to receive their freedom when it should come. The church was loath to enter into a vigorous campaign for emancipation as it believed that that subject lay largely out of the field of activity of a religious denomination. In 1796, the Presbyterians resolved, "That, although the Presbytery are fully convinced of the great evil of slavery, yet they view the final remedy as alone belonging to the civil powers; and also do not think that they have sufficient authority from the word of God to make it a term of church communion. They, therefore, leave it to the conscience of the brethren to act as they may think proper, earnestly recommending to the people under their care to emancipate such of their slaves as they may think fit subjects for liberty; and that they also take every possible measure, by teaching the young slaves to read and giving them such other instruction as may be in their power, to prepare them for the enjoyment of liberty, an event which they contemplate with the greatest pleasure, and which they hope, will be accomplished as soon as the nature of things will admit."<sup>53</sup>

The most concerted and vigorous campaign against slavery in these early times was waged in 1798 and 1799 in the campaign for the second constitutional convention, and, as already noted, it was at this time that Henry Clay first took up his pen for emancipation. But again the movement failed in a most decisive defeat, so disheartening that the vigor of the movement largely vanished for a time. For the old opponents of slavery it was a great good fortune that the Great Revival speedily followed their disaster in the second Constitutional Convention. The quickened consciences of the people produced by this religious awakening gave new force to the anti-slavery movement. Numbers of slaveholders in the joys of their new-found lives manumitted their slaves. One revival leader declared that "this revival cut the bonds of many poor slaves." The Methodists continued a rather strong opposition to the institution; they adopted a ruling that no minister could be a slaveholder. The Bap-

<sup>51</sup> For instance see *Kentucky Gazette*, 1798 et seq.

<sup>52</sup> *Kentucky Gazette*, July 2, 1802.

<sup>53</sup> Davidson, *History of the Presbyterian Church in Kentucky*, 337.

tists again ran into troubles and schisms in trying to determine the attitude they would assume toward the institution. About 1804 a number of prominent Baptist ministers and their congregations declared outright for the abolition of slavery, and maintained that no fellowship should be extended to slaveholders as slavery was an abominable and sinful institution surrounded with evils and miseries which should be abandoned and opposed by all good men. This was a program far too radical for most Baptists to follow. Their associations generally declared that it was not within the province of the church to meddle in political affairs and advised their members to have nothing to do with the subject in their religious capacities. Deserted thus by their church, these radical ministers and congregations, calling themselves "Friends of Humanity," withdrew from the General Union of the Baptist Church and formed an organization of their own bearing the high-sounding and involved appellation, "The Baptized Licking-Locust Association, Friends of Humanity." This was effected in 1807. Two years later, due to the negro question, another schism took place within the Baptist Church and resulted in the splitting off of the "Licking Association of Particular Baptists."<sup>54</sup>

Although throughout this early period the religious denominations had assumed an active interest and leadership in the movement against slavery, they did not constitute the only organized effort being put forth. In 1795, or soon thereafter, there arose in Kentucky small anti-slavery groups or societies which carried on a correspondence with like organizations in the East. They were weak, and exerted very little influence; still they constituted societies built up on the idea of anti-slavery alone—differing thus from churches which were organizations primarily for other purposes, but interesting themselves in this subject. They antedated by eighteen years any other like organization west of the Alleghanies.<sup>55</sup> In 1802, as a result of the anti-slavery sentiment which had been stirred up, a petition was sent to the Legislature by sundry citizens demanding that the slaves be freed and a bill was introduced providing rules and methods for a general emancipation. This mode of procedure was perfectly permissible as the constitution left the subject of emancipation directly with the Legislature. Protests against freeing the slaves were immediately lodged. It was argued that the slaves had no rights to freedom and political liberties as the American Revolution was won by the freemen and that if defeat had come they alone would have suffered.<sup>56</sup>

The first well-organized anti-slavery society in the state arose in 1808. It had its direct beginning in the group of Baptists that had split off from the main church in 1807, the "Friends of Humanity." At the second meeting of their association the question arose as to how far they should go in their concern over slavery, and as to whether there was not some danger of the association putting that interest above its religious mission. The prevailing opinion was that slavery should be given a subsidiary position in the affairs of the church. This led to an out-and-out abolition society organized by the radical members, and called the Kentucky Abolition Society. Although springing out of the Baptized Licking-Locust Association, it was not antagonistic to it; neither were all of its members of the Baptist faith. This abolition society was the recognition of the feelings and demands of its members that a vigorous fight be kept going in favor of emancipation. Although it was considered radical by the majority of Kentuckians of its day, still

<sup>54</sup> Cleveland, *Great Revival in the West*, 156-159; Marin, *Anti-Slavery Movement in Kentucky*, 33-40; Collins, *History of Kentucky*, I, 419.

<sup>55</sup> Martin, *Anti-Slavery Movement in Kentucky*, 25.

<sup>56</sup> *Kentucky Gazette*, November 16, 1802.

in comparison with the later movement, it stood far in the direction of conservatism. In fact neither this society nor any other group of people or even responsible individuals favored an immediate emancipation of all slaves. It was a well-guarded and gradual emancipation that engaged the attention of the people in support as well as in opposition during this period of the movement.

This early anti-slavery movement in Kentucky is important and significant of what might have been accomplished. Had the movement against the spread of the peculiar institution succeeded at the time when it could have succeeded best and had it succeeded at the place where the example would have meant most, the subsequent history of the nation might have been greatly changed. With Kentucky a free state the spread of slavery in the Mississippi Valley would have undoubtedly been much different. Though the movement was wide-spread over the state with the force of the religious organizations actively supporting it at times, the great propertied class which constituted the political leadership of the state was bitterly and uncompromisingly against tampering with slavery. Their power and influence was absolutely controlling; the success of emancipation was never a possibility after the formation of the Second Constitution; the opponents of slavery were routed in every conflict. But the extent to which the anti-slavery movement went bespeaks a character for Kentuckians differing from every other state of the day west of the Alleghanies.

Kentucky around 1800 presents a community of people young, vigorous, and progressive, not only in a material way, but also intellectually. They were laying the foundation for a system of education with few faults, and their religious progress was marked. That a people composed of many elements, moved into the wilderness, established in their new homes not a quarter of a century, could have welded themselves into the state they now were, propelled forward by the intelligent forces it had developed, was indeed remarkable. The early Kentuckian was not only a home-builder but a state-builder, and out of the exigencies of isolation was formed an independence of character that has been one of the most marked characteristics of the native Kentuckian in both his social and political relations.

## CHAPTER XLV

### KENTUCKY IN THE WAR OF 1812

Kentucky was a close and interested observer of the tortuous course of America's relations with the principal European nations. She had noted with growing indignation and exasperation the tyrannical course England had been pursuing. The practice of impressing American seamen was no less resented by Kentucky than by Massachusetts, despite the fact that the former had no shipping interests or seamen to be interfered with. It was enough to know that a foreign nation was offering indignities to the United States of whom Kentucky considered herself an important part. France, whose policy was equally disregardful of American rights, excited little hostility among Kentuckians as she was less able to apply that policy than England, and there still lingered west of the mountains the memories of the ancient friendship between that nation and America.

The prominence given to news of international affairs by the Kentucky newspapers shows the concern with which the people generally followed the events leading up to the second war with Great Britain. The attack of the British man-of-war, *Leopard*, upon the American frigate, *Chesapeake*, in 1807, produced great indignation. Mass-meetings were held in the principal towns of the state where resolutions were passed condemning the piratical acts of England, and pledging the undivided support of Kentucky in whatever course the nation might decide upon.<sup>1</sup> But instead of following the warlike counsel of Kentuckians and others of his countrymen, President Jefferson decided to try a remedy short of war, the embargo. Willing to follow their chosen national leader, Kentuckians acquiesced in this policy and counseled loyal support, regardless of the fact that it at first seemed ruinous to them.<sup>2</sup> But the embargo was after all not a solution to the international difficulties. The pressure for the repeal of this measure soon became so strong that in February, 1809, Jefferson was forced to agree to its abandonment. The non-intercourse act now followed, which opened up commerce to all the nations except France and England, the two great offenders. About this time the British minister to the United States, David Montague Erskine, who was a whig and well-disposed to America, made an arrangement very favorable to American interests in return for a relaxation of non-intercourse with Great Britain. But no sooner were the terms of this agreement known in London than they were disavowed and Erskine recalled. In his place was sent Francis James Jackson, who was studied in his insults to the United States. His recall was soon demanded. The tangled relations among the United States, England, and France seemed to defy solution. The so-called Macon Bill No. 2 next came as an attempt at settlement by opening up trade to all nations; but with the proviso that if either England or France should cease their violations of American rights, and the other country should not, then non-intercourse should be resumed against the obdurate nation.

<sup>1</sup> See *Kentucky Gazette* and *Palladium* during July, August, and September of 1807.

<sup>2</sup> They, however, soon came to see a good in the embargo after all—it gave perfect protection to their growing and ambitious manufactories.

But this policy seemed to lead nowhere and Kentuckians were as early in grasping this fact as people were on the seaboard. They had in fact deep in their minds believed when the embargo had been tried, that war was the only solution. Before this policy had been in force a week, the Kentucky House declared, "We cannot repress our indignation when contemplating the acts of perfidy and murder of the British navy, and with one voice express a wish that the general government may adopt prompt and effective measures to support the insulted and degraded majesty of the American nation, and convince her lordly enemies that her rights shall not be invaded, nor her dignity insulted, with impunity." It was quick to add that it not only was willing to express the public sentiment in resolutions but that it also stood ready "to pledge our honor, our blood and treasure in support of such measures as may be adopted by the general government, to secure and protect the peace, dignity and independence of union against foreign invasion, and to chastise and bring to a state of reason our haughty and imperious foes."<sup>3</sup> The war fever was soon running high; it was born, however, not of the desire to embarrass the National Government, but in loyal and loud-spoken support of the Government, tempered with the feeling that the expression of such sentiments might spur the president forward to a sterner policy. Richard M. Johnson drew up a set of resolutions at Georgetown, which were unanimously adopted, expressing the united support of Kentucky.<sup>4</sup> But the editor of the *Reporter* was more outspoken in the impatience he felt. He asked if there were any Revolutionary soldiers or their children in Kentucky, "who believed a seven years' war and all its horrors, from '75 to '83, a cheap purchase for liberty and independence, and a freedom of a paltry duty of 4d. per lb. on foreign tea—that submit in 1808 to an eternal British tax on our cotton, our tobacco, our slaves, our grain, our rice, and every other product of our soil—and more than this, that not a single American vessel shall sail, without being furnished with a British license."<sup>5</sup>

When, in 1808, a call was made upon Kentucky to have in readiness her quota of about 5,000 troops for possible use against hated Britain, Governor Scott called upon the people in a proclamation to come to the support of the National Government and by volunteering help to repel the insults of the insolent enemy.<sup>6</sup> He followed up these sentiments in his message to the Legislature by reminding the people of the dearth of arms and military supplies in the state, and asking them to have in readiness their rifles. He believed that Kentucky should begin the manufacture of military supplies. There was no lack of patriots who would be willing to shoulder the rifles if they were only provided with them.<sup>7</sup> The Legislature soon afterwards, not to be outdone by the governor in the expression of warlike sentiments and support of the Government, resolved, "That the General Assembly of Kentucky would view with the utmost horror a proposition in any shape, to submit to the tributary exactions of Great Britain, as attempted to be enforced by her orders of council, or to acquiesce in the violation of neutral rights as menaced by the French decrees; and they pledge themselves to the general government to spend, if necessary, the last shilling, and to exhaust the last drop of blood, in resisting these aggressions."<sup>8</sup>

<sup>3</sup> *Palladium*, January 21, 1808, quoted in McElroy, *Kentucky in the Nation's History*, 317.

<sup>4</sup> *Reporter*, September 26, 1808.

<sup>5</sup> October 24, 1808.

<sup>6</sup> This proclamation was issued November 17, 1808. *Reporter*, November 21, 1808. This call was in compliance with the Act of Congress of March 30th.

<sup>7</sup> *Reporter*, December 15, 1808.

<sup>8</sup> *Reporter*, December 22, 1808; Butler, *History of Kentucky*, 328-330; Marshall, *History of Kentucky*, II, 459, 460.



The action of Great Britain in repudiating the Erskine agreement was severely condemned in Kentucky. Meetings at Lexington and other towns were called to denounce England for this latest act of perfidy. They called upon the United States to refuse to receive his successor.<sup>9</sup> Shortly afterwards when Jackson had come and was speedily to leave Washington at the insistent demand of the United States, the Kentucky Legislature expressed its high approval and declared "that whatever may be the consequence resulting" from Jackson's recall, "the State of Kentucky will be ready to meet them, and will most cordially co-operate in the support of such measures as may be necessary to secure the interests, and maintain the honor and dignity of the nation."<sup>10</sup> In his message to the Legislature in 1809, Governor Scott was less insistent in his attitude for war. He would be understood as being the last who would bow to a foreign power, but mindful of the rising manufactories in the state, he would not rush into war, and thereby retard this promising development. "We have on the other hand," he said, "to give up only the luxuries of other nations for the sweets of independence and self-government. The people who could not do it with the country and resources we possess, are unworthy of the divine birthright of freedom."<sup>11</sup>

A rather strange and unusual way of showing her extreme antipathy toward Great Britain and all things British was adopted by Kentucky about this time. By a law of the General Assembly it was declared that all reports of cases adjudged in England since July 4, 1776 "shall not be read nor considered as authority in any of the courts of this commonwealth, any usage or custom to the contrary notwithstanding." It was only with much difficulty that Henry Clay was able to prevent the law from covering all British reports. The patriotic ardor attached to the date of limitation set may have had some weight. Later in his practice in one of the courts, Clay was forbidden to read from a report coming within the prohibited period a reference to a case adjudged before July 4, 1776.<sup>12</sup> Another example of the thoroughness with which the people were seeking to eradicate all British influence is seen in a procedure taking place directly after war was declared. David Ballengall, an assistant judge of the Nicholas County Circuit Court, was a Scotchman, appointed to his position in 1805, who had neglected to secure American citizenship. On this fact being made known to the Legislature, it resolved that he "being an alien, and subject to the King of Great Britain, is unfit to hold the office aforesaid, and ought to be removed therefrom \* \* \*"<sup>13</sup>

The irresistible expansive force of the frontier made greater and greater inroads upon the lands yet occupied by the Indians. Directly south of the Ohio the Indians were all but dispossessed; but to the northward they controlled many square miles of fertile prairies and river valleys. Treaties were being constantly made for the relinquishment of these lands, and they were about as often misunderstood and broken. Tecumseh and his brother, Olliwochica, the prophet, saw the utter ruin and destruction of the Indians if the present system continued. They therefore conceived the pregnant idea of binding all the Northwest In-

<sup>9</sup> *Reporter*, August 12, 1809. Among the other towns where meetings were held was Springfield in Washington County.

<sup>10</sup> *Acts of Kentucky*, 1809, 168. This resolution was passed January 22, 1810.

<sup>11</sup> *Reporter*, December 9, 1809.

<sup>12</sup> L. N. Dembitz, *Kentucky Jurisprudence* (Louisville, 1890), 7; *Annual Reports of the American Historical Association*, 1896, II, 188; Marshall, *History of Kentucky*, II, 454. This law was strictly enforced for a few years, but by 1821, it had fallen into disuse, and it was finally removed from the statute books in 1852, by omitting it in the revision of that year.

<sup>13</sup> *Acts of Kentucky*, 1812, 106. No date is given.

dians into a confederacy and allying it with a southern confederacy they would build up. This was the most ambitious scheme yet adopted by the Indians to stop westward migration, and one that had more elements of success. The frontiersmen became alarmed, and with little difficulty they found cause for war. William Henry Harrison, with a regiment of regulars and a number of Kentucky volunteers, in the fall of 1811, set out up the Wabash with the intention of taking possession of certain lands secured by a recent treaty and of punishing, if possible, Indian marauders who had murdered a white man. On November 7th, he came in contact with the redmen in the low bottomland of the upper Wabash, and fought the battle of Tippecanoe. Although heralding it as a great victory, Harrison lost 188 men killed or wounded, and of these thirty-four were officers.<sup>14</sup> Among those lost in this battle was Joseph Hamilton Daviess, the prosecutor of Aaron Burr and a staunch Federalist.

To Kentuckians this seemed almost their fight alone. A strong wave of patriotic sorrow ensued for the loss of their fellow citizens, and a feeling of gratitude was expressed to those who escaped. The Kentucky House, believing "That it is a country's gratitude that compensates the soldier for his scars, perpetuates grateful recollections of his services, and induces the living to emulate the heroic deeds of the dead—that it is a country's gratitude that softens the rugged pangs of those left to mourn husbands, fathers and friends lost in avenging a country's wrongs," resolved, "That the brave deeds of our officers and soldiers in the late battle on the Wabash, deserves not encomiums only, but unfading fame in the hearts of their countrymen." In memory of the dead the members voted to wear crape on the left arm for thirty days, and as "a further tribute to their memory" to invite John Rowan to deliver a funeral oration "on the death of the late colonels Daviess and Owen, and the other heroes who fell in the battle on the Wabash."<sup>15</sup> A few weeks later Harrison was declared to have "behaved like a hero, a patriot, and a general; and that for his cool, deliberate, skillful and gallant conduct in the battle of Tippecanoe, he well deserves the warmest thanks of his country and the nation."<sup>16</sup>

Indian troubles had long beset the Kentuckians—in fact they had been cradled in savage warfare. They firmly believed that the British were guilty of inciting the Indians against the whites at every time and place possible. They had not forgotten the evidences of English intriguing in the Indian uprisings finally put down by "Mad Anthony" Wayne in 1794; and General Harrison kept the charges of British interference before them by declaring directly after the battle of Tippecanoe that assistance by Great Britain "has been afforded in as ample a manner as it could have been, if war had actually prevailed between us and that power. Within the last three months, the whole of the Indians on this frontier have been completely armed and equipped out of the King's stores at Malden. \* \* \* The Indians, had moreover, had an ample supply of the best British glazed powder—some of their guns had been sent to them so short a time before the action, that they were not divested of the list covering in which they were imported."<sup>17</sup> Harrison also said he was always able to judge the relations between the United States and Great Britain by the behavior of the Indians. The Legis-

<sup>14</sup> McMaster, *History of the People of the United States*, III, 531-536. For a full account of the expedition with special reference to Kentucky see Alfred Pirtle, *The Battle of Tippecanoe* (Louisville, 1900), 158 pages. Harrison's report is in Marshall, *History of Kentucky*, II, 494-506.

<sup>15</sup> *Niles' Register*, Vol. I, p. 297.

<sup>16</sup> *Niles' Register*, Vol. I, p. 391.

<sup>17</sup> Letter to John M. Scott of Frankfort, December 2, 1811, quoted in *Niles' Register*, Vol. I, pp. 311, 312.

lature, in drawing up its bill of indictment against Great Britain, declared that, among other crimes, that country was guilty of was "inciting the savages to murder the inhabitants on our defenseless frontiers; furnishing them with arms and ammunition lately, to attack our forces; to the loss of a number of brave men; and by every power of art and intrigue, seeking to dispose of our whole strength and resources, as may suit her unrestrained ambition or interest \* \* \*" <sup>18</sup> It was in fact not the policy of the British government to incite hostilities—it was rather the opposite; but agents on the frontier were hard to control and they were actually guilty of many of the charges made against the British government and believed to be its settled policy. Moreover the British government actually maintained relations with the Indians within the American jurisdiction, which were not justified under any interpretation of international law or comity among nations. It was a deeply laid feeling among Kentuckians and, indeed, among westerners generally, that war against England was not only desirable, but in fact inevitable. England's guilt did not stop with interfering with the seaboard commerce; it touched the West much more closely. The rivalry in the fur business was also another western factor having its weight.

England was an impossible neighbor. As long as she owned and occupied Canada, the same state of frontier turmoil must continue. Therefore, an additional cause of war was the desire of the West to annex Canada. Henry Clay, in 1810, said in the Senate: "The conquest of Canada is in your power, I trust I shall not be deemed presumptuous when I state that I verily believe that the militia of Kentucky are alone competent to place Montreal and Upper Canada at your feet." <sup>19</sup> The editor of the *Kentucky Gazette* believed that "Until those *civilized allies of our savage neighbors*, are expelled from our continent, we must expect the frequent recurrence of the late scenes on the Wabash." The signs pointed to a general war with the Indians and England, and to him, "The better the preparation, and the more promptitude and vigor displayed by Congress to meet it, the more will they be entitled to the confidence of the country." <sup>20</sup>

The straining at the leash by the West for war served to nerve the Madison administration for more vigorous action. Another force making for war, which received much of its impetus from the West, was a group of young men who had been elected to Congress which was to meet in 1811. These men knowing little of the horrors of war, but remembering much of British insolence and violence to American rights, stood out boldly for war from the beginning of their power. They came to be known as War Hawks. With such representatives of the group as Clay and Johnson of Kentucky, Porter of New York, Grundy of Tennessee, and Lowndes, Cheves and Calhoun of South Carolina, standing for a bold course of action against England, Madison was soon impelled toward war. In fact it had been charged that a committee of Congress headed by Clay had threatened to prevent his renomination for the presidency unless he should promise to recommend war. His message to Congress in November (1811) was more vigorous. He recounted the outrages suffered at the hands of Great Britain and suggested means of defense. Finally, on June 1 following, he sent a war message to Congress, and on June 18 that body after a sharp debate voted for war in the House 79 to 49 and in the Senate 19 to 13. The stronghold of the opposition to the war was northeast of the Delaware. The West and the South were almost solidly for it.

Whether the effect was great or not, Kentucky abundantly expressed

<sup>18</sup> *Niles' Register*, Vol. I, p. 337.

<sup>19</sup> Quoted in Fish, *American Diplomacy*, 174.

<sup>20</sup> *Kentucky Gazette*, April 14, 1812.

herself for war in the latter days leading up to the actual declaration. In December, 1811, the Legislature, in a set of resolutions claiming the right of that body to express "the sense of the good people of this state, respecting the measures of the National Government," declared that a crisis had arrived in the public affairs of the nation which called upon Kentucky to express her sentiments "respecting the course to be adopted, in order to resist the repeated, long continued and flagrant violations of our rights, as a free and independent nation, by Great Britain and France, and by the former especially—whole pretensions are an insult to our sovereignty, and which, if yielded to, must end in our entire submission to whatever they may think proper to impose." Though Kentuckians were not exposed to the immediate effects of the "piratical depredations" of these nations, they were not less interested in preserving the national honor; for "The state of Kentucky, yielding to none in patriotism; in its deep rooted attachment to the sacred bond of union; in its faithful remembrance of the price of our freedom, and in the heartfelt conviction that our posterity have a sacred claim upon us, to transmit to them unimpaired, this God-like inheritance, cannot fail to be penetrated, with any event which threatens even to impair it; much less than, can she be insensible to those daring wrongs of a foreign power, which lead to its immediate destruction." Kentucky had been willing to depend on the general government to redress these national evils "so intolerable in their progress, and in their consequences so menacing," but it had not been "without a firm and settled purpose, not always to bear the lash, not finally to become beasts of burden." "Forbearance beyond a certain point," it added, "ceases to be moderation, and must end in entire subjection." No arguments were necessary to prove these injuries existed, and as for those who could not feel "wrongs so palpable, no reasoning will convince." Kentuckians would like to be able to say "when Great Britain has ceased to harass and injure us—*when* she has shewn toward us an amicable disposition in the true spirit of justice—*when* she has ceased her efforts to diminish that security and prosperity, which are the eternal barriers of separation from her power, and to impair that liberty and independence forced from her reluctant grasp!" This "unnatural parent" had been guilty of a hundred raids on the peace and security of America, and when her very offers of redress "go only to sanction her wrongs \* \* \* we can be at no loss what course should be pursued." "Should we tamely submit, the world ought to despise us—we should despise ourselves—she herself would despise us. When she shall learn to respect our rights, we shall hasten to forget her injuries." It was, therefore, resolved that "those violations, if not discontinued, and ample compensation made for them, ought to be resisted with the whole power of our country." It was furthermore resolved that since war seemed probable "Kentucky, to the last mite of her strength and resources, will contribute them to maintain the contest and support the right of their country against such lawless violations; and that the citizens of Kentucky are prepared to take the field when called upon." Although Kentucky had full confidence in the national administration, it was believed that the crisis called for "energetic measures; and that a temporising policy, while it might seem to remove the evil to a greater distance, would serve only to secure its continuance."<sup>21</sup>

These were strong words that bespoke the feelings of an outraged people. It was while the Legislature passing the above resolution was in session that a European traveler visited Frankfort and described the war-like attitude he observed there. He said: "As I passed through Frankfort, on my way from Lexington to Louisville, I was told that the

<sup>21</sup> *Niles' Register*, Vol. I, pp. 337, 338.

Legislature of Kentucky was just then in session. I resolved to go thither, so that I might compare that body with the sessions of the Territorial Legislature of Louisiana. \* \* \* I had scarcely entered the legislative hall, when I heard a very enthusiastic orator dealing forth a violent diatribe against England, with the following words: 'We must have war with Great Britain—war will ruin her commerce—commerce is the apple in Britain's eye—there we must gouge her!' This flower of oratory was received with great applause; and, it must be confessed, that for such a population as most of the inhabitants of Kentucky formed at that period, it was extremely well timed, and betrayed a certain poetic sweep of thought."<sup>22</sup>

The war fever in the Legislature was truly expressive of conditions outside. Parades and meetings were frequently held over the state to condemn Great Britain and to call for war against her. A parade took place in Lexington a few weeks before war was declared, in which a large number of Kentucky volunteers took part. The editor of the *Kentucky Gazette*, in commenting on it, said: "Thus *Kentucky* will maintain the rank to which she is so justly entitled among her sister states, of being second to none in Patriotism—always on the *right* in the cause of the union and republicanism; and may she never be placed on the *left* in her support of the general government."<sup>23</sup>

When the news of the war declaration reached Kentucky, great satisfaction was manifested in many celebrations and mass meetings. According to *Niles' Register*, "The news of war was hailed as a second decree of Independence in Kentucky. The most of the towns were illuminated on the occasion."<sup>24</sup> "Never in any age or country," exclaimed the *Kentucky Gazette*, "has there been more patriotic ardor witnessed than is at this moment to be seen among the citizens of this state. Kentucky seems ready to precipitate itself, *en masse* upon the British and their infernal allies the Indians." He stated that there would soon be 10,000 Kentuckians on the march; and gave this warning: "Let not the tories of New-England, or the secret or avowed enemies of the war, the friends and advocates of British insolence and usurpation, exalt too soon. Their hour is at hand; we are not yet prepared to kiss the hand that wields the tomahawk and scalping knife against the heads of our old men, our women and infants."<sup>25</sup> In Lexington the celebration was accompanied with cannon and musketry firing and was "kept up until late in the evening." The same evidence of enthusiasm was reported in Frankfort.<sup>26</sup> But amidst the apparently universal rejoicing, it was not forgotten that one of the Kentucky senators had voted against the war declaration. The *Reporter* said, "In the moment of joy, when the citizens saw their country, a second time declared independent—it is reported that at Nicholasville and Mount Sterling, Mr. Pope, our senator, who opposed the war was burnt in effigy."<sup>27</sup> Pope had, a few months previously, displeased his constituency by voting for the re-charter of the United States Bank, in the very face of numerous instructions to the contrary from many parts of the state. The constant attacks that had been leveled against him for this "disregard of the people's will" had not yet subsided before this fresh cause for censure came. His action was declared to be more reprehensible than that of Humphrey Marshall when he voted for the Jay Treaty.<sup>28</sup> He was accused of being a Federalist who had forfeited all public respect and support.

<sup>22</sup> Vincent Nolte, *Fifty Years in both Hemispheres* (New York, 1854), 179.

<sup>23</sup> *Kentucky Gazette*, May 26, 1812.

<sup>24</sup> Vol. 2, p. 335.

<sup>25</sup> September 15, 1812.

<sup>26</sup> *Reporter*, July 1, 1812; *Kentucky Gazette*, June 30, 1812.

<sup>27</sup> *Reporter*, July 1, 1812.

<sup>28</sup> See *Kentucky Gazette*, April 9, 1811, etc., also during 1812. Pope had lost

Pope had very few followers who agreed with him in his opposition to the war. The federalists, who had never been strong in the state, seemed to be even fewer now, and their voice was all but drowned in the almost universal acclaim for war. There had been an attempt to make political capital out of the death of Daviess at Tippecanoe by asserting that Harrison, a staunch democrat, had mismanaged the expedition and was in fact guilty of the death of the brave federalist.<sup>29</sup>

The state had not only prepared itself for the war in its thoughts and sentiments, but, when it became evident that war was certain, a cry went up for Isaac Shelby for governor. Martin D. Hardin, in April, 1812, wrote Shelby asking him to consent to his name being used for the approaching gubernatorial election. He hoped the venerable old governor would not refuse the people his services, so badly needed in this approaching crisis, "for, with such a head, Kentucky will maintain that preeminence she has taken as the center of the Western part of the Union."<sup>30</sup> Soon a medley of voices was raised, all calling on Shelby to accept the governorship. A writer signing himself "Seventy-six" said: "We are on the eve of a dangerous war, and 'the times that tried men's souls' about to return. The times therefore require a governor of tried integrity and experience—a governor of firmness and decision of character—a governor who can find resources in his own mind to meet with spirit and overcome obstacles and dangers—a governor able to manage our civil concerns or martial our armies in the field of battle—in a word, with the head to plan and the hand to execute such measures as are essential to the public safety.

"Amidst the number which presented themselves to my view, none appeared to have such strong claims on the confidence of his countrymen or so well qualified for the times as Isaac Shelby, the first governor of this state."<sup>31</sup> An "Old Settler" recalled that Shelby had played an important part in winning the battle of King's Mountain in the Revolution and that he had deserved well of his country in many other ways and places. "All agree," he said, "in your capacity to serve as a chief magistrate. From every quarter in the country there is one universal burst of approbation in your favor."<sup>32</sup> Shelby consented to run, and in the following August he was elected with little opposition. He appointed Martin D. Hardin, who had early started the Shelby boom, secretary of state. In November Madison was reelected President, receiving a solid electoral vote from Kentucky. In some counties of the state the federalists did not poll a single vote. In Fayette the federalist electors received about 90 votes out of about 800.<sup>33</sup>

When the call for troops was issued volunteers came in great numbers, going far beyond the quota fixed for the state. The number apportioned to Kentucky by the law calling for 100,000 was 5,500. A few weeks before war was declared Governor Scott had called for 1,500 volunteers to march to the support of General Hull on the Detroit frontier. But so eager were the volunteers to go that the command was swelled to over 2,000 by those who would not be denied.<sup>34</sup> The Kentucky congressmen were equally enthusiastic. By the beginning of October six had volunteered to leave the Legislative halls for the battlefield. Samuel Hopkins became a major-general; Richard M. Johnson, commander of a battalion of mounted infantry; John Simpson, a captain; William P.

one of his arms and was warmly supported by a local Irish politician for the reason, as he gave it, that he had only one arm to thrust into the treasury.

<sup>29</sup> McMaster, *History of the People of the United States*, III, 534, 535.

<sup>30</sup> Durrett MSS. Letter dated April 10, 1812.

<sup>31</sup> *Kentucky Gazette*, March 12, 1812.

<sup>32</sup> *Kentucky Gazette*, May 19, 1812.

<sup>33</sup> *Kentucky Gazette*, November 10, 1812.

<sup>34</sup> Shaler, *History of Kentucky*, 158.

Duvall, a captain; and Samuel M'Kee and Thomas Montgomery, privates.<sup>35</sup> An account of the day said: "The military spirit beats high in Kentucky. As soon as the requisition of the President was known at *Lexington*, and before the governor's orders reached that place, a company of volunteers of 100 men was formed. They *immediately* equipped themselves, and were prepared to march 'to the lakes, to the plains of Abraham, or the consecrated field of Tippecanoe.' It appears that this state will furnish her quota entirely of volunteers."<sup>36</sup>

This detachment of Kentucky volunteers had scarcely got well under way in their northward march when the distressing news of Hull's ignominious surrender at Detroit to the British reached them. The news was received with indignation throughout the state. For months Kentuckians could not forget that Hull had "traitorously sold our army and Detroit to the British." There was mingled with this indignation a fear that the elated British might march their armies down to the very banks of the Ohio River. The incentive for volunteering was now intensified. Within a few weeks the numbers were estimated to have reached over 10,000 (twice the state's quota), and shortly afterwards the *Kentucky Gazette* believed the number to be nearer 15,000.<sup>37</sup> *Niles' Register* said: "It is asserted that the State of Kentucky has nearly 15,000 of her citizens under arms. Thousands of them have marched without regular commissions, neither expecting or caring for remuneration from Government."<sup>38</sup> But there was another movement as important and as unusual as the sudden arising of 10,000 Kentuckians bent on repelling the expected invader. After Hull's surrender the United States troops in the West were virtually without organization or leadership. Under the circumstances Kentucky assumed control of affairs, pending the action of the Federal Government. Governor Scott called a council of war which included among its members Shelby, Clay, Greenup and Thomas Todd. It was decided at this meeting to give the command of the Kentucky forces marching to Detroit to General Harrison. This was a popular appointment with the Kentucky troops, and 1,000 more were ordered by Governor Scott to join him. Of these volunteers, the general said to Clay: "No such material for forming an invincible army ever existed as the volunteers which have marched from Kentucky on the present occasion."<sup>39</sup> A news dispatch stated that Harrison would be given "the command of 4,000 as brave men as the world can produce. Many of them had expressed their regret at not being ordered out with the first detachment. They will now be gratified and, under the commander of their choice, will soon march to certain victory and honor."<sup>40</sup> There was undoubtedly no explicit authority that Kentucky had to take this action. The few federalists and malcontents immediately began their attacks upon the governor for this unwarranted procedure.<sup>41</sup>

While preparations had been going on for the relief of Detroit troops armies were gathering at Louisville for an invasion of the Indian country on the upper Wabash. In early October 2,000 troops under the command of Gen. Samuel Hopkins set out. Poorly organized and provisioned and trained not at all, they soon began to grumble and murmur. Single desertions and open mutinies soon followed. Hopkins then asked the sense of the army to be taken on continuing the march, promising at the same time that if 500 would follow him he would lead them against the main Indian villages. But in less than one hour the report was made almost

<sup>35</sup> *Niles' Register*, Vol. 3, p. 108.

<sup>36</sup> *Niles' Register*, Vol. 2, p. 239.

<sup>37</sup> September 15, 1812.

<sup>38</sup> Vol. 3, p. 93.

<sup>39</sup> Colton, *Private Correspondence of Henry Clay*, 21.

<sup>40</sup> *Niles' Register*, Vol. 3, p. 15.

<sup>41</sup> For instance see *Kentucky Gazette*, September 15, 1812.

unanimously to return. Hopkins was greatly disappointed and chagrined at the conduct of the men, but "To the officers commanding brigades, many of the field officers, captains &c. my thanks are due; many of the old Kentucky veterans whose heads are frosted by time are entitled to every confidence and praise their country can bestow."<sup>42</sup> Discipline in an expedition so hurriedly gotten up could hardly be expected, and this was not to be the only example of headstrong and mutinous troops in the war.

But the system of volunteering and the employment of ill-trained militia worked for inefficiency and insubordination. The enthusiasm of the day carried many men into the army who could not be trained or properly equipped. The meager facilities of the state were swamped by the first few days of volunteering. Arms could not be supplied, neither sufficient food nor clothing, yet they were accepted and immediately sent to the area of operations. The financial condition of the state was sound and prosperous: there was a balance of over \$30,000 in the treasury on November 10, 1811, which had been increased to over \$50,000 by the same date two years later.<sup>43</sup>

But the credit of the state could not be converted into effective military supplies on so short notice. An officer thus described the conditions of troops on their march north of the Ohio: "I will not recount to you the difficulties we have had to contend with when we were without tents between Georgetown and Cincinnati and exposed day and night to the rains of Heaven and since to scorching suns, because these difficulties were opposed with cheerful alacrity, and we soon became seasoned, like good timber, to every weather and are now fit instruments to be used in the hands of our country for the most useful and glorious purposes."<sup>44</sup>

There was soon started a general movement among the women of the state to knit and sew and otherwise provide for the comfort of the soldiers. "Hortensia," in a letter to the *Kentucky Gazette*, sounded the call to duty among her sex. After reminding them that the soldiers had rushed off to battle half-clothed, she continued: "Rouse, fair patriots, it is with you to mitigate their sufferings. Form subscriptions—each one of you can relieve a soldier's pains. Let the spinning wheel, the loom, knitting needles all be busily plied with your fair hands. Warm linsey clothes, socks, blankets, linen shirts, added to shoes, to be furnished by your fathers and brethren, will enable our brave militia who have marched to think only of the enemy, of revenge and of victory." For only by such works will "the women of Kentucky, like those of Sparta, be charming in the eyes of their countrymen and terrible to their enemies."<sup>45</sup> The women were not remiss in the performance of this duty. Governor Shelby paid this tribute to them in his message of December, 1812: "In closing this address I feel it a duty to do an act of justice to the patriotic fair of Kentucky by informing you of the success that attended an appeal to them to furnish a supply of clothing for our fellow-citizens in actual service. Although no regular report has been made of the kind and quantity furnished, by the information I have received from the various quarters of the state, it has been very great, and perhaps adequate to the demand. Too great praise cannot be bestowed upon them for the bountiful contribution and the alacrity with which the clothing was prepared and delivered; it is an act of patriotism

<sup>42</sup> Report of General Hopkins to Governor Shelby, October 26 (?), 1812, in *Niles' Register*, Vol. 3, pp. 204, 205.

<sup>43</sup> *Niles' Register*, Vol. I, p. 394; Vol. 5, p. 337.

<sup>44</sup> Letter written by Major Thomas C. Graves from Camp near Piqua Plains, September 6, 1812. This letter is among the *Clay MSS.* in the possession of Miss Lucretia Clay, of Lexington.

<sup>45</sup> *Kentucky Gazette*, September 15, 1812.



and benevolence which deserves the gratitude of all America. May their laudable example stimulate us to prosecute the war until peace be given us from the hand of justice."<sup>40</sup>

As some of the most pregnant causes of the war lay in the conditions and attitude of the people of the West, it was therefore only to be expected that one of the most important areas of conflict should lie west of the mountains. The Kentuckians, bold and confident, were bent on the conquest of Canada, and with this in mind they set about affording General Harrison all the aid in munitions and men in their power. In the meantime President Madison had acted in the appointment of General Winchester, of Tennessee, to command the armies of the West. But, knowing that Kentucky had already acted with commendable speed and sense of responsibility and had appointed a popular and capable general, and realizing that Kentuckians were the real backbone of the army in the West, Madison relieved Winchester from the chief command in favor of Harrison. Full of enthusiasm, 4,000 Kentuckians set out under their chosen leader to take Canada. Joined by scattered forces from the states north of the Ohio as he marched northward, Harrison laid waste a few Indian villages before reaching a point on the Maumee near Fort Wayne. This march had been accompanied with many hardships to the men. Poorly clothed and fed, they had marched through miles of swamps and had been forced to camp in the open. The enlistments of many of the Kentuckians were soon to run out, and it appeared that the expedition would melt away without an important engagement with the British or their Indian allies. The left wing of Harrison's army, commanded by Winchester and composed of Kentucky volunteers under Colonels William Lewis and John Allen, reached Fort Defiance at the Rapids of the Maumee in early January. They learned that a body of about 400 Canadian militia and Indians were encamped at Frenchtown, to the northward on the River Raisin—a sort of outpost to Detroit and Malden. The impetuous Kentuckians immediately conceived the idea of attacking them, and to this end prevailed upon Winchester to give them permission. On the 18th of January they fell upon the town, capturing it and driving the garrison into the wilderness. Winchester, on hearing of the exploit, was greatly elated and resolved to hold the fort—a foolhardy decision, considering the fact that a strong British garrison was in Malden, only eighteen miles away.

The logical outcome of this dangerous situation soon developed. Two thousand British and Indians, under Colonel Proctor, from Malden appeared in front of Frenchtown on the 22d and soon began an assault. The troops inside the fortifications withstood the attack with success, beating off the assailants, but other detachments in exposed positions in the open were thrown into a panic. Many were taken prisoners, including General Winchester, who had come up with a small detachment before the battle, and Colonel Lewis. Colonel Allen was killed while attempting to rally his men. But the detachment in the palisades still held out against the most determined attacks of the enemy. Rather than continue the attack longer, Proctor offered the garrison protection from Indian massacre if it should surrender. After some negotiations this was agreed to and the part of the garrison that was able marched out prisoners of war to Malden. The wounded were left in Frenchtown without proper protection. Early the following morning 200 Indians, drunk with success, broke into the encampment and, with utter lack of restraint, brutally massacred every prisoner there. Regardless of whether this was sanctioned by the British, Proctor deserved the infamy that has surrounded his name, for he failed to leave the proper guards to

<sup>40</sup> *Niles' Register*, Vol. 3, p. 274.

protect the wounded prisoners from the Indians, whose thirst for blood and vengeance he could easily have guessed.<sup>47</sup>

The news of this brutal massacre was received in Kentucky with indignation and rage, but there were no signs of fear or consternation. Rather, the people steeled their souls with the determination that the war must be carried with redoubled vigor to a successful conclusion. The power of Britain must be humbled and her savage allies must be definitely and forever crushed. It was reported that "The news of the disaster under *Winchester* has added a new flame to the ardor of the west." The effect of the news in Frankfort is thus described: "When the news arrived at *Frankfort* last evening, almost the whole town were at the theatre, the governor among the rest. He was called out and, of course, the news soon spread through the house; at the conclusion of the third act the whole audience had retired. Here you see fathers going about half distracted, while mothers, wives and sisters are weeping at home. The voice of lamentation is loud; the distress is deep; yet neither public nor private distress can damp the ardor of the people. Already they propose raising a new army to revenge the loss of their brave countrymen. It is confidently expected our town will raise a company in a few days. You witnessed the emotion of all ranks of people after the shameful surrender of Hull. I need only say the same spirit prevails at present."<sup>48</sup> The Legislature called for 3,000 troops, to be drafted if the number was not raised by volunteering, and took the extraordinary course of calling on Governor Shelby to lead them. A committee of that body issued a ringing appeal for volunteers: "*Fellow citizens*—The fate of our volunteers that have recently fallen by the enemy, and the situation of those that still remain under the command of General Harrison, demand more of us than the sympathetic tear—some measure *more efficient* than that of mourning *must* be resorted to. It is expected that an immediate call will be made once more upon the patriotism of Kentucky for another requisition of volunteers. OUR VENERABLE GOVERNOR—the distinguished hero of *King's Mountain*, will lead his western sons on to battle and give them an opportunity of *avenging* the death of their *brothers*. We should soar above misfortune and surmount all difficulties at times like the present—who can remain inactive at home, while our fellow-citizens are falling victims to a rapacious enemy? Then obey the call—let us fly to the standard of our country—looking to HIM for support, who rules the destinies of the world."<sup>49</sup>

This appeal was not in vain. Volunteer companies sprang up in all the principal towns of the state. The county militia was paraded in Frankfort to stimulate volunteering, and in less than thirty minutes 100 men had stepped forward for service. The rest of the community showed its patriotic ardor by subscribing \$3,500 toward equipping the troops. In Lexington a regiment of militia was paraded to raise the town quota

<sup>47</sup> For general accounts of this expedition see, McMaster, *History of the People of the United States*, IV, 19-27; Collins, *History of Kentucky*, I, 299, 302; Shaler, *Kentucky*, 159-162; McElroy, *Kentucky in the Nation's History*, 337-343. For more detailed accounts see Robert B. McAfee, *A History of the Late War in the Western Country* (Lexington, 1816); William Atherton, *Narrative of the Suffering and Defeat of the Northwestern Army under General Winchester: Massacre of the Prisoners: Six Months' Imprisonment of the Writer and Others with the Indians and British* (Frankfort, 1842); and Elias Darnell, *A Journal Containing an Accurate and Interesting Account of the Hardships, Sufferings, Battles, Defeat and Captivity of those Heroic Kentucky Volunteers and Regulars, Commanded by General Winchester in the Year 1812-13. Also Two Narratives, by Men that were Wounded in the Battles on the River Raisin, and Taken Captive by the Indians* (Philadelphia, 1854).

<sup>48</sup> *Niles' Register*, Vol. 3, p. 397.

<sup>49</sup> *Niles' Register*, Vol. 4, p. 82.

of sixty-nine men, but when the performance was over, eighty-three were found to have volunteered.<sup>50</sup> So were the reports from other parts of the state. Richard M. Johnson set to raising a regiment of mounted men, which he found little difficulty in filling. According to a letter from Georgetown, "This suits Kentuckians. In the old war they were all carried to the enemy on horseback. They were prejudiced in favor of a corps of this description. All seem to be aroused—men above forty-five and boys under eighteen years of age are volunteering, anxious for an opportunity to avenge the blood of their slaughtered friends."<sup>51</sup>

But despite the whole-hearted support the people were giving to the war in the face of discouraging defeats and circumstances that might have conceivably been averted, there were evils that needed to be eradicated and conditions that were calling for remedying. The militia system carried with it little that was good. Scant training was given the men, and as one result insubordination and mutinies often had to be dealt with. In the heat of the enthusiasm that led him to volunteer, the Westerner was a good soldier. But delays and irksome toil soon caused his native qualities of individuality and self-assertiveness to appear, and the little training that he had received was not sufficient to maintain in him the feelings of obedience to orders. Governor Shelby, in his message to the Legislature in December, 1812, believed that the militia laws were defective. "The law," he said, "ought to compel both officers and soldiers promptly to perform their duty—yet not to be oppressive." Another evil was the lack of arms, provisions and clothing. Men were enlisted and called soldiers who were given neither guns nor uniforms for months. On this point the governor said: "A well regulated militia will avail little unless certain means be adopted for the procurement of an adequate supply of arms and ammunition and the erection of magazines in convenient situations for the safe-keeping and preserving of military stores, when procured." He wanted to greatly impress this upon the Legislature, declaring that "Self-defence, the great ruling principle in man, ought to awaken the rulers of the commonwealth to guard her rights, protect her interests and be ready to meet any casualty." If the resources of the state did not warrant the expenditure immediately of money sufficient to carry out this purpose, then it should be done gradually; for, "This measure, if adopted, will ensure respect abroad, preserve tranquillity at home and, upon an emergency, enable the militia of the state to march with promptness to any point they may be ordered."<sup>52</sup>

But a defect still more dangerous, especially at this time, was the short term enlistments. The expedition to the River Raisin had been partly prompted by the fact that the enlistments of many of the men were about to expire and their consequent desire to have a brush with the enemy before retiring. Harrison now found himself in a precarious situation, with a victorious enemy ready to advance and a disorganized and defeated army ready to melt away by the expiration of enlistments. The dangers were so great that the Kentucky Legislature appealed to the troops to remain a few months longer. In a spirited address to "FELLOW-CITIZENS AND SOLDIERS IN ARMS" it reminded them of their heritage from the past and how "the spirit of your fathers aroused you from the slumber of indolence to undertake the turmoils and surmount the labor and hardships of camps, to shew our ancient enemy that you knew how to value and maintain the independence we held as the gift of Heaven only, to wipe off the foul stain which had been cast upon the American name by the base surrender of one of our armies—to avenge the shades of slaughtered brethren, of helpless women and

<sup>50</sup> *Niles' Register*, Vol. 4, pp. 67, 116.

<sup>51</sup> *Niles' Register* Vol. 4, p. 116.

<sup>52</sup> *Niles' Register*, Vol. 3, p. 274.

infants—to drive back that audacious enemy and her savage allies, who had profaned our soil with their hostile and triumphant steps—to make them feel the evils of the war at their own doors; in a word, to plant the standard which bears your country's eagle on the walls of Malden." Generous sympathy was expressed for their suffering: "You have with heroic fortitude borne cold, hunger and fatigue." Victory was just in sight, it declared, and would not the joys of their return be dampened, it inquired, if they should now return? It could not command them to remain, but the Legislature would show its appreciation to those who chose to stay to defend their country by voting them \$7 per month, in addition to the \$5 they received from the Federal Government. It closed its petition with the final plea: "*Fellow citizens and soldiers*, such another opportunity may never again occur to crown yourselves with honor. The eyes of your state, your county, are on you. Act worthy yourselves and all will be well."<sup>53</sup>

The situation seemed indeed desperate for Harrison, and Kentucky felt that it was to a great extent her duty and responsibility to come to the rescue. There were soon four regiments ready to march. They were placed under the command of Gen. Green Clay and were immediately started for the relief of the Northwestern forces. On reaching Cincinnati in early April, Gen. Clay reminded his troops of their duty and the responsibility that rested on them. He stated that they were about to leave the state that had given many of them birth and that he felt conscious they would rather see their country no more "than to return to it under the impression that by any act of yours the high character of Kentucky had fallen." Mindful of the unsoldierly conduct of some of the raw levies on previous occasions he called upon them to meet with fortitude "the hardships, and discharge the duties of soldiers." "Discipline and subordination," he declared, "mark the real soldier and are indeed the soul of an army. In every situation, therefore, the most perfect subordination—the most rigid discharge of duty will be expected from all. Partiality or injustice shall be shewn to none. \* \* \* It is upon you—it is upon your subordination and discipline I rely for a successful issue of the present campaign. Without this confidence and support we shall achieve nothing honorable or useful." In closing his address, he called upon them to "*remember the dreadful fate of your BUTCHERED BROTHERS at the River Raisin—that British treachery produced their slaughter.*"<sup>54</sup>

Even before hearing of the massacre at the River Raisin, Harrison had begun the construction of a fort on the rapids of the Maumee, not far from Lake Erie. It was called Fort Meigs, in honor of the governor of Ohio. After his victory at Frenchtown, Proctor could easily have marched upon the remnants of the American forces under Harrison, and there might conceivably have ensued another River Raisin, but for some reason the British delayed until Harrison had completed his fort. In early April, a few days after the first advance guards of the Kentuckians had reached the fort, Proctor advanced up the river with canon and ample provisions, bent on laying siege to the American stronghold. When the main body of the Kentuckians arrived they found Harrison strongly invested by about 3,200 of the enemy, including a body of Indians under Tecumseh. In carrying out certain maneuvers a considerable body of Kentuckians under General Clay succeeded in breaking their way into the fort, but in another part of the action a group of Kentuckians, elated over a temporary success, committed a blunder and

<sup>53</sup> *Acts of Kentucky, 1812*, 107-109; *Niles' Register*, Vol. 3, p. 389; McMaster, *History of the People of the United States*, III, 543. The text of the law, itself, may be found in *Niles' Register*, Vol. 3, pp. 389, 390.

<sup>54</sup> *Niles' Register*, Vol. 4, 148, 149. General Orders, April 7.

were almost annihilated by the Indians. Proctor, much exaggerating the numbers of the Americans and hearing of British defeat on the Niagara frontier, abandoned the siege and returned to Malden. A few months later he made a feeble effort to take Fort Meigs, but was easily beaten off by General Clay, who had been left in charge. Before returning this time to Malden, Proctor decided to forage around to the southeast in the Cleveland regions. Lying not far to the southeast of Fort Meigs was Fort Stephenson, occupied by Maj. George Croghan and about 150 Americans. He had been ordered by Harrison previously to abandon his position and destroy the fort as untenable. On earnest entreaties to be allowed to defend it, he was given permission. Soon Proctor, with about 1,500 troops, appeared before the fort and demanded its surrender. Croghan replied: "We are determined to maintain this place, and by Heaven we will." Angered by the impertinence of this young Kentucky officer of twenty-two, Proctor ordered a bombardment to be followed up with an assault. With such skill did the Americans direct their fire that every officer and one-fifth of the men in the assaulting columns were killed, wounded or missing. Proctor now beat a hasty retreat to Malden for a second time.<sup>55</sup> This feat, coming in a rather depressing period of America's fortunes, excited the popular imagination, and Croghan's name was on every tongue.<sup>56</sup>

As the military situation existed in the summer of 1813, a year after the war had begun and the Kentuckians had so confidently expected to capture Canada, the Americans, instead of having gained anything in the West, had lost a considerable part of the country. Hopes and expectations had been shattered, despite the boundless enthusiasm and energy the Kentuckians had shown from the very beginning. If the war was to be won in the West, new armies must be raised and a new plan of campaign must be formulated. The British must not only be expelled from American soil, but the war should be carried into Canada, the original objective. Instead of the British in possession of Detroit, the Americans should be holding Malden. And plans were soon on foot for accomplishing this very purpose. Harrison had been assigned on paper 7,000 troops to carry forward this movement, but in actuality he was scarcely able to muster 2,600. The only course left for him to follow was to call on Kentucky for aid, who had already borne the principal part of the war in the West. Toward the end of July, Governor Shelby was requested by General Harrison to send to his aid not under 400 nor over 2,000 men, but he sent a special and separate communication stating that he would receive an additional 1,500 volunteers "if they could be marched to his aid speedily."

As these requests did not come through the regular channels of the War Department, Shelby immediately communicated to the Secretary of War the steps he was about to undertake for the purpose of receiving the approbation of the President. As no answer came, Shelby proceeded with vigor, not awaiting the slow processes of the Federal Government. On July 31 he issued a proclamation calling on volunteers to assemble at Newport within a month for the purpose of marching against the British. He now announced his intention of complying with the invitation and wishes of the Kentucky Legislature of the previous February 3, when they requested him to take command of the Kentucky troops. In the proclamation he said: "I will meet you there [Newport] in person;

<sup>55</sup> McAfee, *Late War in The Western County*, 300 et seq; Collins, *History of Kentucky*, I, 302-306; Shaler, *Kentucky*, 162-165; McMaster, *History of the People of the United States*, IV, 27, 28.

<sup>56</sup> Croghan was born near Louisville in 1791. His father had been a Revolutionary officer, and his mother was a sister of George Rogers Clark. He received his education at William and Mary College.

I will lead you to the field of battle and share with you the dangers and honors of the campaign."<sup>57</sup>

Shelby was now preparing to enter actively for a second time warfare against Great Britain. Although sixty-six years old, he was anxious to do his part. In his first message to the Legislature in 1812 he had said: "No circumstance could have brought me from my retirement at this stage of life except in compliance with the voice of my fellow-citizens, which has ever been respected by me with the highest veneration. If a gracious Providence shall be pleased to indulge me with days to serve my country during the constitutional period for which I have been elected, it will be a source of great gratification in my retirement should my endeavors to promote the interest of our common country meet the reasonable expectations of my fellow-citizens. Integrity and a due attention to the duties of the office are all I can, on my part, promise."<sup>58</sup> Just before he was ready to set out for the Northwestern battle front, North Carolina tardily carried out a long-announced intention of presenting him with a sword in recognition of his Revolutionary services. In the words of a news account: "This sword, of exquisite and costly workmanship, was presented as the venerable warrior \* \* \* [was] preparing to set out for the N. W. frontier.—A happy time!—May glory light upon it!"<sup>59</sup> With about 4,000 troops Shelby passed through Cincinnati during the first week in September.

In the meantime another development of tremendous consequences was fast approaching a conclusion. It was seen early by the strategists of the war that the nation that controlled the Great Lakes would hold the key to the Western country—of the United States as well as of Canada. Following out this idea Commodore Perry had feverishly set to work to build a small fleet on Lake Erie to wrest control from the British and pave the way for a strong invasion of Canada. The battle of Lake Erie took place on September 10, with a complete victory for Perry's small fleet. About 150 Kentucky militia were detailed to this flotilla as marines, and in the fight they took an active part. This victory laid all lower Canada open to invasion by Harrison's forces. No delay was made in taking advantage of the situation. Shelby, who had now arrived on the Sandusky River with his mounted volunteers, joined Harrison's forces, all together now numbering about 6,500 men. Having sent Col. R. M. Johnson with 1,000 mounted men to Detroit, the main forces, leaving their horses behind, embarked on Perry's little fleet and sailed down the Sandusky and across Lake Erie to a point three miles below Malden. Proctor, with 500 regulars and a few thousand Indians under Tecumseh, wisely took fright, burned the public buildings in Malden and in Detroit and began a retreat to the north and east. Having at last landed his troops on enemy soil, Harrison, on September 27, issued this general order: "The general intreats his brave troops to remember that they are the sons of sires whose fame is immortal: That they are to fight for the rights of *their* insulted country, whilst their opponents combat for the unjust pretensions of a master.

"KENTUCKIANS—remember the River Raisin; but remember it only whilst the victory is suspended. The revenge of a soldier cannot be gratified upon a fallen enemy."<sup>60</sup>

On reaching Sandwich, across the river from Detroit, Harrison was

<sup>57</sup> Text of Proclamation in M'Affee, *Late War in the Western Country*, 336, 337. Also see Shelby's Message to the Legislature December 7, 1813 in *Niles' Register*, Vol. 5, 305, 306.

<sup>58</sup> Message of December 8, 1812 in *Niles' Register*, Vol. 3, p. 274.

<sup>59</sup> *Niles' Register*, Vol. 5, p. 42. For the correspondence relative to the presentation see *Ibid*, 229.

<sup>60</sup> *Niles' Register*, Vol. 5, p. 149. For the battle of Lake Erie see McMaster, *History of the People of the United States*, IV, 30-39.

joined by Colonel Johnson with his mounted troops. Proctor, believing himself greatly outnumbered—the fact being so—retreated eastward, much against the will and entreaties of Tecumseh, who was having great difficulty in holding his Indian warriors together. Finally, on the upper Thames River, Proctor halted and offered battle. Johnson asked and was given permission to carry out a daring attack on the Indian contingent of the British forces and succeeded in breaking through the British lines with another part of his horsemen, which almost resulted in the capture of Proctor himself. Soon the British were demoralized and in utter confusion. They surrendered outright, while the Indians who remained took to flight, but not until the brave and far-seeing Indian warrior and statesman Tecumseh, had fallen—at the hand of Colonel Johnson in single combat, according to an old tradition.<sup>61</sup>

The battle of the Thames was decisive and far-reaching. It broke the power of the Indians in the Old Northwest forever, and not only freed this region from British occupation, but gave virtual control of much of Canada to the American army. Ten days after the battle the Kentuckians had been mustered out and were on their way back home. Only two brigades of United States regular were left to protect the region north of the Maumee—but a force sufficient for all purposes. This was preeminently a Kentucky victory, as Harrison's army was made up almost entirely of Kentuckians, the only exceptions being a few regulars and some volunteers from around Cincinnati. In his official report Harrison bore testimony to the heroic part Kentucky had played: "As to the conduct of the officers that were under his command, he was at a loss how to mention that of Governor Shelby, being convinced that no eulogium of mine can reach his merits. The governor of an independent state, greatly my superior in years, in experience and military character, he placed himself under my command, and was not more remarkable for his zeal and activity than for the promptitude and cheerfulness with which he obeyed my orders. Major-Generals Henry and Desha and the Brigadiers Allen, Caldwell, King, Childs and Trotter, all of the Kentucky volunteers, manifested heroic zeal and activity. Of Governor Shelby's staff, his adjutant general, Colonel M'Dowell, and his quartermaster general, Colonel Walker, rendered great service, as did his aids de camp, General Adair and Majors Barry and Crittenden. The military skill of the former was of great service to us, and the activity of the later gentlemen could not be surpassed. \* \* \*"<sup>62</sup> On the effects of the battle, Shelby said in his message to the Legislature in December, 1813: "The campaign, under the guidance of a gracious and overruling Providence; terminated favorably to our arms. To say nothing of the destruction of public property and of the immense stores of arms and munitions of war taken from the enemy, it has added to the United States an extent of territory of great value which, if not surrendered to the enemy upon a general peace, will forever put to silence our savage foes that have so long infested the Western country, they being now completely severed from British influence."<sup>63</sup> By September of 1813, Kentucky had furnished almost 17,500 volunteers and militia, not to men-

<sup>61</sup> There is no positive proof that Johnson killed Tecumseh, although see Schouler, *History of the United States*, II, 385; B. H. Young, *The Battle of the Thames* (Louisville, 1903), 87, 88; and McAfee, *Late war in the Western Country*, 395. Johnson was born at Bryant Station, in Fayette County, about the time of the Battle of the Blue Licks.

<sup>62</sup> *Reporter*, October 30, 1813, quoted in McElroy, *Kentucky in the Nation's History*, 354, 355. For accounts of the battle see McAfee, *Late War in the Western Country*; McMaster, *History of the People of the United States*, IV, 38-41; Collins, *History of Kentucky*, I, 307-309.

<sup>63</sup> *Niles' Register*, Vol. 5, p. 306.

tion the Kentuckians who were regulars in the United States army.<sup>64</sup> Truly the war in the West was a Kentucky war.

The immediate military situation having been solved so satisfactorily for the Kentuckians, they now had more time to think about and agitate the continuance of the war. At no time, even in their worst disasters, had they thought of making a weak peace, but, with conditions greatly changed now, they assumed a strong attitude in favor of continuing the war until the uttermost demands of the United States should be secured. They had a feeling, and there was much reason for it, that the war in the West was in a considerable measure a Kentucky war and that, therefore, it should be a Kentucky peace. On every occasion they upheld the war by acts and resolutions and urged the Federal Government forward in a vigorous prosecution of it. In the elections of 1813, the state sent a solid delegation of democrats to Congress, bent on supporting the national administration.<sup>65</sup> The opposition party was almost negligible here, and it appeared so especially in this election, even coming in the most disastrous part of the war. For example, in Fayette County the democratic vote ran from 1,468 to 1,268, as against 435 to 173 for the opposition—and this opposition was by no means of the New England federalist type. The editor of the *Kentucky Gazette* rejoiced over the democratic victories, and as for those "who feel so deeply mortified at the result of the election, we must be permitted to withhold even sympathy—they 'reckoned without their host' and deceived themselves."<sup>66</sup>

The apprehensions so often expressed in Kentucky that the Federal Government would be led to make peace before the purposes of the war should be attained were not without foundations. The war was scarcely three months old before a movement toward peace negotiations was on foot. On September 21, 1812, Russia, who was an ally of Great Britain's but at the same time a friend to America, offered her services as a mediator. As the European situation was becoming much more favorable

<sup>64</sup> *Ibid*, 150, 173. On April 6, 1818, Congress passed a resolution conveying its thanks "to Major General W. Henry Harrison and Isaac Shelby, late Governor of Kentucky, and through them to the officers and men under their command, for their gallantry and good conduct in defeating the combined British and Indian forces under Major General Proctor, on the Thames in upper Canada, on the 5th day of October 1813, capturing the British army with their baggage, camp equipage and artillery; and that the President of the United States be requested to cause two gold medals to be struck, emblematical of this triumph, and presented to General Harrison and Isaac Shelby, late Governor of Kentucky." *Annals of Congress*, 15 Sess. Vol. 2, 1818, 2601, 2602. Referring to the campaign in the Northwest of Kentucky's part in it, in his Fifth Annual Message to Congress, December 7, 1813, President Madison said: "The success on Lake Erie having opened a passage to the territory of the enemy, the officer commanding the Northwestern army transferred the war thither, and rapidly pursuing the hostile troops, fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British and dispersion of the savage forces.

"This result is signally honorable to Major-General Harrison, by whose military talents it was prepared; to Colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy, and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene; more especially to the chief magistrate of Kentucky, at the head of them, whose heroism signalized in the war which established the independence of this country, sought at an advanced age a share in hardships and battles for maintaining its rights and its safety.

"The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned, and to relieve an extensive region of country from a merciless warfare which desolated its frontiers and imposed on its citizens the most harassing services." *American State Papers, Foreign Relations*, I, 85; Richardson, *Messages and Papers of the Presidents*, I, 535.

<sup>65</sup> *Niles' Register*, Vol. 4, p. 152.

<sup>66</sup> August 10, 1813.



to England, President Madison considered it best to accept the Russian offer, so on March 11, 1813, he appointed Albert Gallatin, John Quincy Adams and James A. Bayard on a mission to treat. England refused to accept the mediation of Russia, but, fearing to offend her powerful ally, she on July 13, 1813, offered to negotiate directly with the United States. A correspondence immediately began between the two powers looking toward a satisfactory basis for beginning the negotiations. Intimations of what was going on were not unknown to the American public, and in Kentucky they were received with something akin to dismay.

A series of resolutions were introduced in the Legislature on January 10, 1814, expressing in vigorous terms the feelings of Kentuckians toward making peace at that time. According to the preamble "This state was not the last to recommend an appeal to the sword as the ultimate redress; she still deems that decision the only wise alternative, and she will not be the first to retrace her steps and recede from that momentous resort so imperiously demanded by the interest of the nation, with whose welfare our own as a state is not only connected but completely identified."<sup>67</sup> In the resolutions as finally passed the wording was somewhat changed, but the sentiment was unimpaired. Declaring their belief that they represented "the almost unanimous sentiments of the citizens of the state," the Legislature declared in the resolutions, which were passed February 1, their firm adherence to the General Government and that they possessed "an unabated confidence" in the administration, believing that it was "competent to steer the vessel of State between the vortex of domestic faction and the menacing rocks of foreign war." And as to the furtive course of the United States in courting peace, it was resolved "That the overtures of peace made to the British Government by ours since the declaration of war, and the speedy acceptance of the proffered mediation of Russia, are irrefragable evidences (if any were wanting) of a sincere desire for a restoration of the blessings of peace on the part of our own and of a persevering determination on the part of the British Government to continue to our own Government the most irrefragable arguments for a vigorous, energetic and zealous prosecution of the war."<sup>68</sup>

As time went on more news of the movements of the United States in seeking peace leaked out. It was disturbing to Kentuckians. The purposes of the war had not yet been accomplished; Canada was still to be conquered and the Indian question had not been definitely settled. It was worse than failure for the war to stop now; it would be criminal. The editor of the *Kentucky Gazette* believed the country had not yet displayed its full strength, and he would be lulled by no peace talk now, for, under present conditions, a peace could not be lasting. Let the war go forward with redoubled vigor: "We cannot help thinking how different a peace would be negotiated on the walls of Quebec, after having beaten and destroyed the whole British force in North America. This would give us some military reputation and consequence; at present we want both to make us respected by foreign nations."<sup>69</sup> Lexington and the country-side, in their annual celebration of the Fourth of July at Maxwell Spring in 1814, held no uncertain feelings toward America's peace-mongering. One of the toasts was: "That we view the peace-begging missions to Europe as derogatory to our charter as a nation."<sup>70</sup>

With such ideas concerning the peace question, Kentuckians were

<sup>67</sup> *Niles' Register*, Vol. 5, p. 403.

<sup>68</sup> *American State Papers, Miscellaneous*, II, 235, 236. In the original draft, this clause was added to the above resolution: "But those advances on our part have reached a point, below which no independent government ought to descend." See original draft in *Niles' Register*, Vol. 5, p. 403.

<sup>69</sup> April 4, 1814.

<sup>70</sup> *Kentucky Gazette*, July 11, 1814.

willing to throw their aid in any direction where it might be required. The Southwest was fast developing into an area of major operations where Kentuckians were destined soon to be needed. The war against America had taken on an entirely new force and vigor with the British after Napoleon was forced to abdicate on April 11, 1814. Many seasoned regulars who had fought the best in the Napoleonic wars were now released for a fresh assault on America. Among the new campaigns launched by the British was the movement against the lower Mississippi Valley, with the capture of New Orleans as the first objective. They had already taken possession of Pensacola, although it belonged to Spain, a country friendly to the United States. Mobile and other Gulf ports were also within their ken, vantage points in the permanent conquest and possession of this great interior region. Their plans and ambitions were gigantic and destructive to the power of America should they succeed. Colonel Nicoll, who was in Pensacola preparing the way, issued in the latter part of August a flamboyant proclamation remarkable for the ignorance and arrogance he displayed in it. Believing that all Louisiana and the lower Gulf region to the eastward were smarting under the tyranny of American rule and only waiting an opportune time to throw off the yoke, he called upon them "to assist in liberating from a faithless, imbecile government your paternal soil." As if such assumptions were not sufficiently foolish, he, in an almost unthinkable act of extraordinary stupidity, issued a call to the Kentuckians also—of all the people of the Union perhaps the most bellicose in the American cause. That a responsible person could so misjudge a people is almost unbelievable, but apparently Nicoll had heard nothing of Kentucky patriotism since the days of the Spanish intrigues. This unusual proclamation follows: "Inhabitant of Kentucky! You have too long borne with grievous impositions. The whole brunt of the war has fallen on your brave sons. Be imposed on no longer, but either range yourselves under the standard of your forefathers or observe a strict neutrality.

"If you comply with either of these offers, whatever provisions you send down will be paid for in dollars, and the safety of the persons bringing it, as well as the free navigation of the Mississippi, guaranteed to you. Men of Kentucky! Let me call to your view (and I trust to your abhorrence) the conduct of those factions which hurried you into the civil, unjust and unnatural war at a time when Great Britain was straining every nerve in defence of her own and the liberties of the world—when the bravest of her sons were fighting and bleeding in so sacred a cause—when she was spending millions of her treasure in endeavouring to pull down one of the most formidable and dangerous tyrants that ever disgraced the form of man—when groaning Europe was almost in her last gasp—when Britons alone showed an undaunted front—basely did those assassins endeavour to stab her from the rear; she has turned on them, renovated from the bloody, but successful, struggle. Europe is happy and free, and she now hastens, justly, to revenge the unprovoked insult; leave that contemptible few to shift for themselves; let those slaves of the tyrant send an embassy to Elba and implore his aid; but let every honest, upright American spurn them with united contempt. After the experience of twenty-one years, can you longer support those brawlers for liberty who call it freedom when themselves are free? Be no longer their dupes—accept of my offers—everything I have promised in this paper I guarantee to you, on the sacred honor of a British officer."<sup>71</sup>

This proclamation clearly showed that the British expected, through

<sup>71</sup> S. Putnam Waldo, *Memoirs of Andrew Jackson, Major-General of the Army of the United States; and Commander in Chief of the Division of the South* (Hartford, 1819), 175-178; Gayarre, *History of Louisiana*, IV, 338, 339.

the disaffection of the inhabitants of the West and of the Southwest, to conquer the whole interior valley region and perhaps extend their dominions to join Canada on the north. The failure of this ambitious scheme at the outset was a rude shock to them and an event of unbounded rejoicing to Americans. Andrew Jackson, who was in command of the American troops in the Southwest, seized Pensacola, regardless of the pretended Spanish neutrality, and dispossessed these British vanguards of the New Orleans expedition. He hurriedly returned to Mobile, which had been annexed in April, 1813, only to hear that New Orleans was threatened by more than 10,000 British troops transported thither by water. To protect the country against the various expeditions the British had sent out in the summer of 1814, the Federal Government had called for 93,500 additional troops, of which Kentucky's quota was 5,500. Jackson set out immediately from Mobile for the defence of New Orleans, calling upon Kentucky, Tennessee and Georgia for militia as he proceeded. Kentucky immediately collected and dispatched by boat down the Ohio and Mississippi rivers 2,200 troops. Under the command of Maj.-Gen. John Thomas and Brig.-Gen. John Adair, they finally reached New Orleans on January 4, 1815.

In the meanwhile the British had anchored their fleet in Lake Borgne on December 10, and on the 23d a division of the army was landed eight miles below the city. On the same day Jackson attacked them, and in a sharp engagement drove them back to the protection of the levee, where they were supported by re-enforcements brought from up the ships. Jackson then fell back to a point a few miles below the city and began the construction of breastworks. Pakenham, the commander of the British forces, impressed with the resistance of the Americans, did not follow until he had landed all of his troops, including the artillery. During this time Jackson was hurriedly building his breastworks and searching for guns and equipments for his troops. Arms and other military stores and equipment had been collected at Pittsburg and dispatched on flatboats down the Ohio, but, due to delays and accidents, they did not reach New Orleans until days after the battle had been fought. Citizens in the city and the State Legislature gave valuable aid, hurried as it was. The day before the battle found only 600 of the 2,200 Kentucky troops with arms. General Adair, hearing that the city armory was stocked with a few hundred rifles, prevailed upon the city authorities to allow the Kentuckians to take them. This was done secretly and without the knowledge of Jackson, who had been depending upon them for arming certain reserve soldiers. At the beginning of the battle the following day, due to this addition, about 1,000 rifles were in the hands of the Kentuckians. These 1,000 armed Kentuckians under Adair were given a position in the center of the line, with instruction to support the columns just in front. The British, unprotected, charged the American line twice before they retired from the field, disastrously defeated.

But on the right bank of the river a minor engagement took place which resulted quite differently. The 1,200 unarmed Kentuckians were held in reserve for General Morgan, who commanded about 500 Louisiana troops, with orders to defend this region. Five hundred of the Kentuckians were ordered to march to the city to secure the arms which, unknown to Jackson, had already been taken by Adair. On reaching the city and finding the expected arms gone, the Kentuckians made special efforts to secure whatever scattered weapons might be found. Only 170 rifles of various descriptions were secured and, armed with these, an equal number of Kentuckians crossed the river and marched down the west bank of Morgan's camp. They arrived shortly before daylight of the 8th, having thus been without sleep for twenty-four hours. Their first skirmish with the British resulted in their retreat, after support

with a few volleys a retreating Louisiana detachment of 150 men. Their assignment later in the main line of Morgan's defence was isolated and strategically untenable. When the main attack came, the detached group of Kentuckians found themselves in great danger of being surrounded by four times their number of British. Under these circumstances, after delivering a few volleys, they beat a hasty retreat and refused to be rallied. Soon Morgan's troops gave way all along the line, but this had no effect on the fortunes of the day, as the victory had already been won by the Americans on the left bank, where the main engagement took place.<sup>72</sup> This was indeed a brilliant victory. The British lost in killed and wounded over 2,000 men, while the American casualties were negligible. Almost a fourth of the troops engaged on the American side were from Kentucky, and it was with much reason, therefore, that Kentuckians looked upon this victory with great pride. Western militiamen had met and defeated the best regulars from Europe.<sup>73</sup>

But as decisive as this victory necessarily was, nevertheless it had no effect on the outcome of the war, since the Treaty of Ghent had been signed on the 24th of the preceding December. The correspondence by President Madison directly with the British during the fall and winter of 1813 had resulted finally in the acceptance by both governments of direct negotiations. Henry Clay and Jonathan Russell were thereupon added to the commission already appointed. Clay was selected not only on account of his ability, but also as a recognition of the part Kentucky and the West had played in the war, as well as for the fact that they had interests to secure and conserve in the peace. Negotiations were soon opened at Ghent for the purpose of settling the numerous disputed points on international law interpretations, as well as the questions growing directly out of the war, such as boundary changes. Although the war had been precipitated to a great extent by causes that were of primary concern to the East, still the most pressing problems before the conference from the very beginning concerned the West most directly. In the very first interview, held on August 8th, the British put forth as a *sine qua non* a proposition that amazed and almost dumbfounded the American commissioners. They produced the demand that the Indians should be included in the peace, and that a buffer state should be erected out of the American Northwest and guaranteed forever to them. The *Canadian Gazette* had for some time been agitating this Indian state, which it would have bounded on the south by a line from Sandusky to Kaskaskia. In 1812 it was suggested to Lord Bathurst that an Indian country should be set aside as far southward as the Maumee and the Wabash, with the belief that it would be, "if occupied exclusively by Indians, an all important barrier to the designs of the United States against the influence and intercourse of the British, with the immense regions extending westerly, even to the Pacific Ocean."<sup>74</sup> It was argued that a new interposing state for the Indians would be much more desirable than the contact of the Americans and the British as had previously existed. The Earl of Liverpool wrote: "The question is one of ex-

<sup>72</sup> According to G. R. Gleig, *Campaigns of the British Army at Washington and New Orleans*, 339: "I believe \* \* \* that veteran troops of the line, in less perilous situations, have not unfrequently been seized with panic, and given way; nor do I think that any military man of much experience will be surprised that militia troops, ill armed, drawn like Indians, on an immense front, seeing themselves turned and cut off by troops of the line, quitted their post and retired in disorder \* \* \*"

<sup>73</sup> For accounts of the battle of New Orleans see Z. F. Smith, *The Battle of New Orleans* (Louisville, 1904); Collins, *History of Kentucky*, I, 309, 317; McMaster, *History of the People of the United States*, IV, 173-190; McElroy, *Kentucky in the Nation's History*, 356-376; and A. T. Mahan, *Sea Power in its Relation to the War of 1812* (Boston, 1905), 382-397.

<sup>74</sup> Fish, *American Diplomacy*, 181, 182; Mahan, *Sea Power in its Relations to the War of 1812*, 416, 417.

pediency, and not of principle, as the American commissioners have endeavored to make it. It does not follow because, in the year 1783, the two states, not perhaps very justly, took a common boundary, thereby assuming a sort of sovereignty over the Indians, that they may not mutually recede from that boundary, if a frontier conterminous with that of the Indians is preferable to one with each other."<sup>75</sup> The specific limits of this buffer state as demanded by the British commissioners were to include all American territory north and west of the Greenville Treaty line of 1795, which is to say the whole of the old Northwest included today in the states of Michigan, Wisconsin and Illinois, four-fifths of Indiana, and one-third of Ohio.<sup>76</sup>

The British were anxious by this move to retain the friendship of the Indians, from which they had profited in two wars against America and which would continuously be an aid to their fur trade. The war had gone disastrously for the Indians with their utter defeat in the battle of the Thames, and there was much reason for the British to fear that an accord would soon grow up between the Indians and the Americans which would operate injuriously against British interests. In their answer to the British proposition, the American commissioners patiently and at length discussed this impossible proposition and left no doubt in the minds of the British that much fighting must yet take place before such terms could be imposed. This was a military question, not a diplomatic; it was for soldiers and seamen to deal with, not peace commissioners. "It is not necessary to refer such demands to the American Government for instructions. They will only be a fit subject of deliberation when it becomes necessary to decide upon the expediency of an absolute surrender of national independence." The British soon receded from this position, which they had at first presented as an ultimatum. It is only necessary to say that the West could never have consented to having the best and largest part of their domain taken away from them.

Another proposition which vitally concerned the West brought forward by the British was the exclusion of the Americans from the military occupation of the Great Lakes, with consequent sole right of the British thereupon. The Americans gave the same answer to this which they gave to the question of the Indian state, with the result that the British withdrew this "ultimatum" also.

In turn, among the American demands presented to Great Britain which were of commanding interest to the West was the annexation of Canada to the United States. According to their instruction the American commissioners were to urge "the advantages to both countries which are promised by a transfer of the upper parts, and even the whole of Canada, to the United States" and also to suggest to England that she could not "participate in the dominion and navigation of the lakes without incurring the danger of an early renewal of the war."<sup>77</sup> The Kentuckians were very anxious that the British be driven from Canada. Throughout their whole existence the presence of the British there had meant continuous troubles, in which the Indians figured largely; an important aspiration of the Kentuckians at the beginning of the war was the acquirement of Canada. When the battle of the Thames gave the Americans control of an important part of this region, many Kentuckians

<sup>75</sup> Quoted in Mahan, *Sea Power in its Relations to the War of 1812*, 417.

<sup>76</sup> See Henry Adams, *The Life of Albert Gallatin* (Philadelphia, 1880), 521, 527.

<sup>77</sup> The question of the naval occupation of the Great Lakes was settled in 1817 in the so-called Rush-Bagot Agreement, providing that except small crafts for revenue and police purposes no vessels of war should be kept there by either side. See J. M. Callahan, "Agreement of 1817; Reduction of Naval Forces upon the American Lakes" in *Annual Report of the American Historical Association*, 1895, 369-392.

took it for granted that Canada would be annexed when peace came. Believing that the East was still jealous of the West, they feared that through some trick in the peace conference this rich Western prize might be traded for some Eastern advantage, if the West were not on the alert to guard its rights. Should they tamely submit to Eastern dickerings on this point? "No!" answered "A Western Countryman," "while the British are contiguous to a people who have scorned to submit to their damnable monopolies, they will endeavour to crush a spirit which eventually must overwhelm them, and sacrifice everything to stain the tomahawk and scalping knife with the blood of those whose virtues make them their deadly foes.

"Congress and the executive may temporize, but the western people, firm to their best interests, will never give up the point."<sup>78</sup> At length all territorial questions were settled by an agreement to the principles of *status quo ante bellum*.<sup>79</sup>

Before the negotiations had been completed, two questions came up, which divided the American commissioners, and opened anew the jealousies between the eastern and the western states. These concerned the navigation of the Mississippi and the northern fisheries. The Treaty of 1783 had to a certain extent coupled these two subjects together. The British attempted to deny the latter right and maintain the former. Adams and Gallatin strenuously held out for the fishing rights, which, of course, carried with it the understanding that the right of Great Britain to continue the navigation of the Mississippi was also conceded. Clay, who had predominantly the western point of view, resolutely held out against the further right of Great Britain to the river. He believed that it was an unwarranted claim on her part, for it was now definitely proved that her territory at no point touched the river. She, therefore, had no better right to the Mississippi than the Americans had to the Thames. It was, in, fact, he believed, only a lever she was attempting to acquire in an effort to stretch her southern boundaries of Canada down into American territory. When Clay was overruled by a vote of three to two, he gave warning that he would sign no note in the negotiation granting the navigation of that river. The difficulty was finally settled, at Gallatin's suggestion, by omitting both points from further discussion.<sup>80</sup>

The treaty was signed on December 24, 1814, and duly ratified by both countries. Although the skillful American diplomats had won as much or more around the peace table than the American troops had won on the battlefield, still there were some belligerently inclined Kentuckians who believed that the peace was a failure—for instance, Canada had not been secured. When peace was announced they refused to rejoice and be happy. In Lexington many could be found who declared the treaty was dishonorable, and when handbills appeared on the streets calling on the people to illuminate their houses and celebrate, these bitter-enders got out counter-handbills "and some violent young men threatened to break every window which should be lighted." About a third of the windows were illuminated; but no trouble ensued.<sup>81</sup> Wars are followed by periods of reconstruction; but Kentucky found a few problems growing directly out of the war too exciting to be laid down until they were settled, or at least until she had expressed herself, as will appear hereafter.

<sup>78</sup> *Kentucky Gazette*, November 22, 1813.

<sup>79</sup> For the principal documents on the Ghent negotiations see *American State Papers, Foreign Relations*, III, 695-749.

<sup>80</sup> Adams, *Life of Gallatin*, 540-545; *American State Papers, Miscellaneous*, II, 939-956; Fish, *American Diplomacy*, 184-185; E. Sargent, *Life and Public Services of Henry Clay* (New York, 1842).

<sup>81</sup> *Autobiography of Amos Kendall* (New York, 1872), Edited by William Stickney, 139.









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